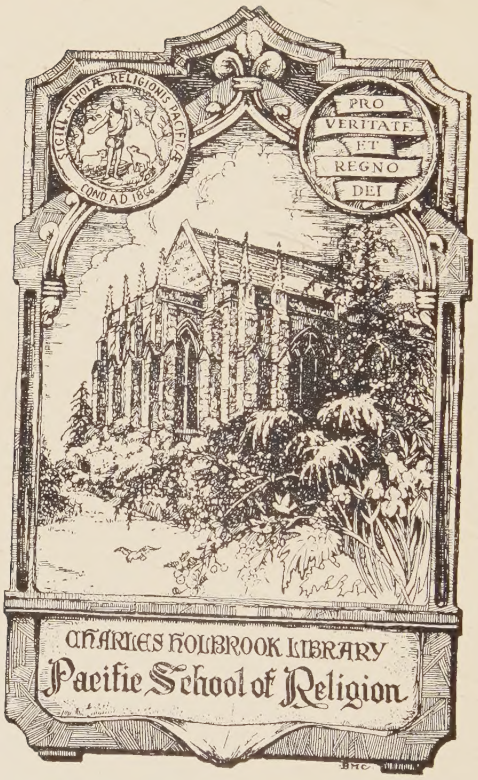

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OF THE

AMERICAN

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NUMBER 31

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AMERICAN JEWISH HISTORICAL SOCIETY.

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Treasurer:

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Curator:

LEON HUHNER, New York.

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(Term expiring with the 36th Annual Meeting.)

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(Term expiring with the 38th Annual Meeting.)

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LESSING J. ROSENWALD, Philadelphia, Pa.

DR. CYRUS ADLER, Philadelphia, Pa.,
ex-officio, as Past President of the Society.

OBJECTS.

The object of this Society is to collect and publish material bearing upon the history of America, and to promote the study of Jewish history in general, preferably so far as the same is related to American Jewish history or connected with the causes of emigration from various parts of the world to this continent. It is known that Jews in Spain and Portugal lent no inconsiderable aid to the voyages that led to the discovery of America, that a few accompanied the earliest discoverers and that Jews were among the first settlers on this continent, and in its adjacent islands. Considerable numbers saw service in the Colonial and Revolutionary wars, some of them with great distinction. Others contributed liberally to the Continental treasury, at critical periods, to aid in the establishment of Independence. Since the foundation of our government, Jews have played an active part in the political affairs of the country, and have been called upon to hold important public positions. The records of the achievements of these men will, when gathered together, prove of value and interest to the historian, and perchance cast light upon some obscure parts of the history of our country.

PREFACE.

The papers in this volume are derived from a number of recent annual meetings of the Society. Dr. Rosenau's account of Charles H. Lauchheimer was presented at New York in 1920; the papers by Mr. Oppenheim and Dr. Rosenau, the latter treating of the late Cardinal Gibbons in his relations to the Jews, date from the annual meeting of 1922 in New York. Messrs. Davidson and Kohler presented their biography of the late Aaron Aaronsohn to the annual meeting of 1923 in Washington. The paper by Mr. Kohler on the interesting topic of Christianity and the common law, was offered to the meeting at New York in 1925; at the same annual gathering of the Society were presented the papers by Messrs. Friedenberg, Sack, and Hartogensis, printed herein. The papers by Drs. Roth and Kuhn, and by Rabbi Zielonka, were submitted at the annual meeting of 1926 at Philadelphia, while Mr. Conway's notable account of Alonso was read at that of 1927 at Newark.

It will be observed that the present volume stresses the biographical phase of Jewish historiography. This circumstance, quite accidental, however, is accentuated by the group of thirty-one necrologies of deceased members, printed in these pages.

The preparation and editing of the present volume were entrusted to the following committee on publication: Albert M. Friedenberg, chairman; Prof. Alexander Marx, and Dr. Cyrus Adler. Dr. Rosenbach served *ex-officio* as a member of this committee.

CONTENTS.

PAGE

Preface vii
Thirty-third Annual Meeting..... xiii
Thirty-fourth Annual Meeting..... xix
Thirty-fifth Annual Meeting..... xxvii
Reports of *Leon Huhner,* Curator xxxi
Address of the President. *A. S. W. Rosenbach,* Ph. D., F. A. D.... 1
Autograph of Hernando Alonso..... 9
Hernando Alonso, a Jewish *Conquistador* with Cortes in Mexico. *G. R. G. Conway*..... 9
Appendix: List of the *Sambenitos* of the Condemned Jews Placed in the Cathedral Church of Mexico between 1528 and 1603 26
A Jewish Voice for Peace in the War of American Independence. The Life and Writings of Abraham Wagg, 1719-1803. *Cecil Roth,* Ph. D. 33
Appendix I: The Family Register of Abraham Wagg..... 56
Appendix II: Memorial of Abraham Wagg..... 57
The Sentiments of a Friend to Great Britain and America..... 60
Private Suggestions on a Plan to Dissolve the Connections of America with France &c..... 67
The Jewish Burial Ground on New Bowery, New York, Acquired in 1682, not 1656. *Samuel Oppenheim*..... 77
The Doctrine that "Christianity is a Part of the Common Law," and its Recent Judicial Overthrow in England, with Particular Reference to Jewish Rights. *Max J. Kohler,* A. M., LL. B., D. H. L. 105
Appendix: Arguments in Favor of Jewish Rights at Common Law Delivered by Lord Chancellor Brougham and Lord Holland, 1833 127
Letters of a California Pioneer. Contributed by *Albert M. Friedenberg* 135
Hugo Grotius and the Emancipation of the Jews in Holland. *Arthur K. Kuhn,* Ph. D..... 173
A Suit at Law Involving the First Jewish Minister in Canada. *Benjamin G. Sack*..... 181
Charles L. Hallgarten. *Albert M. Friedenberg,* B. S., LL. B..... 187

PAGE

Charles H. Lauchheimer. *Rabbi William Rosenau,* Ph. D..... 193
Aaron Aaronsohn, Agricultural Explorer. *Gabriel Davidson,* LL. M., and *Max J. Kohler,* A. M., LL. B., D. H. L..... 197
Sam Dreben, D. S. C..... 211
The Fighting Jew. *Rabbi Martin Zielonka*..... 211
Cardinal Gibbons and His Attitude toward Jewish Problems. *Rabbi William Rosenau,* Ph. D..... 219
The Russian Night School of Baltimore. *Benjamin H. Hartogensis,* A. B. 225
Notes:
Benjamin Franks, Merchant, and Captain Kidd, Pirate. *Samuel Oppenheim* 229
When Did David S. Franks Last Leave Canada? *Benjamin G. Sack* 234
Columbus and the Jews. *A. M. F*..... 234
David Franks and George Washington in 1758. *Samuel Oppenheim* 235
The Lyons Collection. *D. de Sola Pool*..... 236
Disgraceful Acts of a Mob at a Jewish Funeral in New York, 1743. *Samuel Oppenheim* 240
Rebecca Gratz and Gratz Van Rensselaer. *Marian L. Kraus*... 241
Will of Rabbi Carigal. *Wilfred S. Samuel*..... 242
The Taxing of the Jews in Jamaica in the Seventeenth Century. *Frank Cundall* 243
Miscellany. *Lee M. Friedman*..... 247
Necrology:
Israel Abrahams. *C. G. M*..... 249
Abraham G. Becker..... 250
Henry Berkowitz. *Charles Edwin Fox*..... 252
Arnold W. Brunner. *Felix M. Warburg*..... 253
Charles J. Cohen. *Cyrus Adler*..... 255
Marcus Feingold 256
Samuel Fleischman. *Max J. Kohler*..... 257
Florence Nightingale Knight Harris. *D. de Sola Pool*..... 258
Lilian H. Hendricks. *D. de Sola Pool*..... 260
H. S. Q. Henriques. *E. N. A*..... 261
Samuel A. Hirsch. *Elkan N. Adler*..... 263
Abram Samuel Isaacs. *Joshua Bloch*..... 265
Alfred Jaretzki. *Louis Marshall*..... 266
Kaufmann Kohler. *David Philipson*..... 268
Lee Kohns. *Roger W. Straus*..... 271
Manuel Augustus Kursheedt. *D. de Sola Pool*..... 273
Ephraim Lederer. *Charles J. Cohen*..... 275

PAGE
David Leventritt. *Louis Marshall* 278
Joseph C. Levi. *Leon Huhner* 280
Julius Levy. *Harry Friedenwald* 281
Jules E. Mastbaum 282
William Morris. *Leon H. Elmaleh* 283
Clarence Seixas Nathan. *Edgar J. Nathan, Jr* 284
Rebecca Rosenbach. *Emily Solis-Cohen* 287
Sol Rosenbloom. *Herman Hailperin* 289
Isidore Spielmann. *E. N. A* 290
Leo Stein. *Charles I. Hoffman* 292
Eugene M. Stern. *Max Herzberg* 292
Adolph Delisle Straus 293
Oscar S. Straus. *Cyrus Adler* 295
Seligman J. Strauss. *Samuel Greenbaum* 297
Index 299
Constitution 311
By-Laws 313
List of Members 321

THIRTY-THIRD ANNUAL MEETING.

The thirty-third annual meeting of the American Jewish Historical Society was held at the Jewish Theological Seminary of America, 531-535 West 123d Street, in the city of New York. It began in the evening of Saturday, February 7, 1925, continued in the afternoon of Sunday, February 8, and concluded in the evening of the latter day. Between the afternoon and evening sessions on Sunday, a collation, in charge of a committee of ladies, provided opportunity for a social hour and for the examination of the exhibition, arranged by Prof. Alexander Marx, as a feature of the meeting.

The president, Dr. A. S. W. Rosenbach, was in the chair, and the recording secretary, Samuel Oppenheim, was the secretary of the meeting. The president's annual address was delivered at the concluding session; somewhat altered, it was printed as the preliminary announcement of the thirty-fourth annual meeting of the society.

The officers presented their annual reports. Mr. Friedenberg reported as corresponding secretary that, since the preceding annual meeting, 1 corresponding and 6 regular members had died, 10 regular members resigned and 1 was dropped for the non-payment of dues. On the other hand 22 new patrons and regular members had been elected. On February 8, 1925, the Society embraced 1 honorary, 34 corres ponding and 438 patrons and members, in all 473 supporters.

The curator submitted his report.[1] Mr. Hendricks reported as treasurer for the fiscal year, October 1, 1923, to October 1, 1924. His report was referred to Dr. Lee K. Frankel and Rev. George Alexander Kohut, of New York, as an auditing committee; it reads as follows:

[1] See p. xxxi *et seq.*

REPORT OF TREASURER.

General Fund.

RECEIPTS.

Balance with treasurer, October 1, 1923	$2,499.58
Members' dues, back dues, and sales of publications	2,199.05
	$4,698.63

EXPENSES.

Disbursements, corresponding secretary's office	$790.00
Clerical assistance to curator	181.83
Refund, loan from A. S. W. Rosenbach	500.00
Fire insurance premiums	10.89
Printing, etc., 32d annual meeting	62.00
Exchanges, service charges, National City Bank	3.55
Contribution, memorial to Mayer Sulzberger	50.00
Debit balance transferred from publication fund to general fund	2,263.23
Balance with treasurer, October 1, 1924	837.13
	$4,698.63

Research Fund.

RECEIPTS.

Balance with treasurer, October 1, 1923	$50.00
Contribution of A. S. W. Rosenbach	100.00
	$150.00

EXPENSES.

Samuel Oppenheim, grant for research	$50.00
Spanish and Royal Institution papers, ditto	50.00
Balance with treasurer, October 1, 1924	50.00
	$150.00

Helen C. Rosendale Memorial Fund.

RECEIPTS.

Donation, Simon W. Rosendale	$1,000.00
Interest, July 1, 1924	3.75
	$1,003.75

STATEMENT OF ASSETS OF THE SOCIETY.

Balance in National Savings Bank, Albany, N. Y.	$1,789.96
Balance in National City Bank of New York	887.13
	$2,677.09

The treasurer also reported the following additional contributions to the Society's research fund, with dates of payment:

1924			
November	24	Isaac Schorsch	$25.00
		George Alexander Kohut	25.00
	28	Frank Altschul	500.00
		Arthur Pforzheimer	25.00
December	5	Carl H. Pforzheimer	500.00
1925			
January	7	Ludwig Vogelstein	250.00
		Isaac Schorsch	100.00
February	4	A. S. W. Rosenbach	500.00
	26	Lewis L. Strauss, Jr.	100.00
March	16	Max J. Kohler	25.00
		George Alexander Kohut	100.00
		Total	$2,150.00

As a committee on nominations Prof. Israel Davidson, Dr. Joshua Bloch, and William L. Tasch, of New York, were appointed; they presented their report at the second session, whereupon the following officers and additional members of the executive council were unanimously elected, viz.:

President, Dr. A. S. W. Rosenbach, Philadelphia, Pa.; vice-presidents, Hon. Simon W. Rosendale, Albany, N. Y.; Prof. Richard J. H. Gottheil, New York; Rev. Dr. David Philipson, Cincinnati, O.; Capt. N. Taylor Phillips, New York; Max J. Kohler, New York; corresponding secretary, Albert M. Friedenberg, New York; recording secretary, Samuel Oppenheim, New York; treasurer, Henry S. Hendricks, New York; curator, Leon Huhner, New York. Additional members of

the executive council (for a term of three years, expiring with the thirty-sixth annual meeting of the Society): Rabbi Henry Cohen, Galveston, Tex.; Rev. Dr. Abraham A. Neuman, Philadelphia, Pa.; Lewis L. Strauss, Jr., New York; Morris Wolf, Philadelphia, Pa.

The following necrologies of deceased members of the Society were read at this meeting:

Henry Berkowitz, by Charles Edwin Fox; Henry F. De Puy, by Dr. A. S. W. Rosenbach; Samuel Fleischman, by Max J. Kohler; Samuel A. Hirsch, by Elkan N. Adler; Manuel A. Kursheedt, by Rev. Dr. D. de Sola Pool; William Morris, by Rev. Leon H. Elmaleh; Clarence S. Nathan, by Edgar J. Nathan, Jr.; Eugene M. Stern, by Max Herzberg.

The following papers were read:

"A Jewish Diary of a Voyage from London to Charlestown in 1766," by Rev. Dr. Barnett A. Elzas.

"A Chapter on the Founding of Congregation B'nai Jeshurun, the Second Oldest Synagogue in New York," by Rabbi Israel Goldstein.

"The Origin of the Synagogue," by Rev. Dr. Louis Finkelstein.

"Rabbi David Oppenheimer (1664-1736), and the Acquisition of his Books and MSS. by the Bodleian Library, Oxford," by Dr. Charles Duschinsky.

"The Jews in St. Eustatius, Dutch West Indies," by Miss Lili Kohler.

"Solomon Bush's Patriotic Action in London in 1789," by Samuel Oppenheim.

"Some Additional Notes on Judah P. Benjamin," by Rev. Dr. Edward N. Calisch, and Max J. Kohler.

"Caleb Cushing and the Proposed Readmission of the Jews to Spain in 1877," by Hon. Emanuel Celler.

"The Doctrine that 'Christianity is Part of the Common Law,' and its Recent Judicial Overthrow in England," by Max J. Kohler.

"Simon Nathan's Important Services to the American Cause in the Revolution," by Samuel Oppenheim.

"The Jews of America during the Struggle for Independence," by Abram V. Goodman.

"Abraham Simons, a Georgia Patriot of the Revolutionary War," by Leon Huhner.

"Woodrow Wilson in His Relation to Jewish Problems," by Rev. Dr. Stephen S. Wise.

"Personal Reminiscences of Otis A. Glazebrook, U. S. Consul at Jerusalem," by David Yellin.

"Letters of a California Pioneer," by Albert M. Friedenberg.

"The Chaluzim in American Colonization," by Gabriel Davidson, and Dr. Edward A. Goodwin.

The following papers were read by title:

"Jean de Bloch (I. S. Blioch), Champion of International Disarmament, Advocate of Russian Jewish Emancipation, and Worker for Russian Economic Development," by Dr. Joshua Bloch, and Max J. Kohler.

"A Note on Haym Salomon," by Rev. Dr. Barnett A. Elzas.

"Communications from the Russian, Prussian, Austrian, and English Governments to the Senate of Frankfort-on-Main in 1816, Probably the Earliest Joint Governmental Representation on Behalf of the Jews in Modern Times," by Prof. A. Freimann, and Max J. Kohler.

"The History of Polish Jewry in the Second Half of the Eighteenth Century," by Dr. N. M. Gelber.

"The Earliest Jewish Settler in Maryland," and "The Russian Jewish Night School of Baltimore," by Benjamin H. Hartogensis.

"Historical Evolution of the Right of Jews to Own Land in Europe and the United States," by Max J. Kohler.

"Notes on the Lyons Collection," by Rev. Dr. D. de Sola Pool.

"Early Jewish Publishers in America, with Special Reference to Abraham Hart," by Dr. A. S. W. Rosenbach.

"The First Jewish Minister in Canada Suing for Compensation," by Benjamin G. Sack.

"The Jewish Physicians of Colorado, Biographic and Bibliographic," by Dr. Charles D. Spivak.

On motion, the thanks of the Society were voted to Miss Sarah Lyons, of New York, for her valuable gifts to the collections of the Society; to the directors of the Jewish Theological Seminary of America, for their courtesy and hospitality; to the committee on local arrangements, and the committee of ladies assisting at the collation; and to Prof. Alexander Marx, of New York, and his assistants, for the exhibition specially arranged as a feature of this annual meeting.

The exhibition, just referred to, comprised Anglo-Judaica and Americana. The works of Menasseh ben Israel were shown almost completely in all the various editions and translations, including a few specimens from his printing press. An interesting selection of pamphlets dealing with the readmission of the Jews to England, including some contemporary newspaper numbers as well as some earlier attacks on the Jews, and stories of conversions of this period, served to supplement the Menasseh ben Israel collection. An almost complete collection of the Oxford calendars and the very rich literature on the Jew Bill of 1753, as well as some occasional prayers, including that for victory over the American Revolution, gave a glimpse of later Jewish history in England. This was illustrated also by some works in MS. of the chief rabbis before and after 1800, and by some slightly known attacks on Chief Rabbi Solomon Herschell, partly found on the covers of the single issues of a Maḥzor, published by the translator, Alexander. The books for this exhibition were from the Israel Solomons and the Elkan N. Adler Collection in the Library of the Jewish Theological Seminary of America.

The Americana exhibited were not of equal importance, but included some extremely rare and interesting volumes, *e. g.*, the tracts on the conversion of Judah Monis, the Hebrew grammar compiled by the same author, the first Sephardic prayer-book printed in English, and many others.

THIRTY-FOURTH ANNUAL MEETING.

The thirty-fourth annual meeting of the American Jewish Historical Society was held at the Dropsie College for Hebrew and Cognate Learning, in the city of Philadelphia. It began in the evening of Saturday, October 23, and continued in the afternoon and the evening of Sunday, October 24, 1926. After the close of the final session a social hour afforded opportunity for friendly intercourse.

The president, Dr. A. S. W. Rosenbach, was in the chair and the recording secretary, Samuel Oppenheim, was the secretary of the meeting. The address of the president was presented at the concluding session.

The officers presented their annual reports. The corresponding secretary, Albert M. Friedenberg, reported that since February 8, 1925, the date of the thirty-third annual meeting, 5 corresponding and 19 regular members died, 11 regular members resigned, and 1 corresponding and 30 regular members were dropped. On the other hand 1 corresponding and 26 regular members were elected. At this date the membership totals 434: 1 honorary, 29 corresponding and 404 patrons and regular members.

Dr. Cecil Roth, of London, England, was chosen a corresponding member of the Society by the executive council. The preliminary announcement of this annual meeting, comprising the address of the president delivered at the thirty-third annual meeting, was issued June 1, 1925. *Publication* No. 30 is expected to appear about January 1, 1927.

The curator, Leon Huhner, submitted[1] his report, and the treasurer, Henry S. Hendricks, reported for the fiscal years October 1, 1924–October 1, 1925, and October 1, 1925–Octo-

[1] See p. xxxii *et seq.*

ber 1, 1926, respectively. The reports of the treasurer were referred to Dr. Lee K. Frankel and Rev. George Alexander Kohut, of New York, as a committee of audit. These reports read as follows:

REPORT OF TREASURER.

General Fund.

RECEIPTS.

Balance with treasurer, October 1, 1924	$1,623.34
Members' dues and back dues	2,115.15
Sales of Publications	58.75
Interest on bank account in National Savings Bank of Albany, N. Y.	92.00
Balance due to treasurer, October 1, 1925	57.31
	$3,946.55

EXPENSES.

Disbursements, corresponding secretary's office	$977.50
Disbursements, curator's office, including clerical assistance	286.41
Printing, etc., 33d and 34th annual meetings	248.25
Miscellaneous printing	17.50
Fire insurance premiums	25.58
Exchanges, National City Bank	3.00
The Lord Baltimore Press, *Publication* No. 29	1,694.26
Franklin Photo-Engraving House, reproductions, cuts, etc., Rosenbach bibliography, *Publication* No. 30	694.05
	$3,946.55

Research Fund.

RECEIPTS.

Balance with treasurer, October 1, 1924		$50.00
Contributions		
Frank Altschul	$500.00	
Max J. Kohler	25.00	
George A. Kohut	125.00	
Arthur Pforzheimer	25.00	
Carl H. Pforzheimer	500.00	
A. S. W. Rosenbach	500.00	
Isaac Schorsch	125.00	
Lewis L. Strauss, Jr.	100.00	
Ludwig Vogelstein	250.00	
		2,150.00
		$2,200.00

EXPENSES.

Samuel Oppenheim, grant for research	$250.00
Balance with treasurer, October 1, 1925	1,950.00
	$2,200.00

Helen C. Rosendale Memorial Fund.

RECEIPTS.

Balance with treasurer, October 1, 1924	$1,003.75
Interest	45.65
Balance with treasurer, October 1, 1925	$1,049.40

STATEMENT OF THE ASSETS OF THE SOCIETY.

Balance with treasurer, October 1, 1925, Research Fund	$1,950.00
Balance due treasurer, October 1, 1925, General Fund	57.31
	$1,892.69
Balance in National Savings Bank of Albany, N. Y.	$1,628.21
Balance in National City Bank of New York	264.48
	$1,892.69
Balance in National Savings Bank of Albany, N. Y., Helen C. Rosendale Memorial Fund	1,049.40
	$2,942.09

REPORT OF TREASURER.

General Fund.

RECEIPTS.

Members' dues and back dues	$2,555.00
Sales of Publications	188.55
Refund of post office for unused stamped envelopes	.42
Interest, National Savings Bank of Albany, N. Y.	130.32
	$2,874.29

EXPENSES.

Balance due treasurer, October 1, 1925	$57.31
Disbursements, corresponding secretary's office	515.00
Disbursements, curator's office, including clerical assistance	336.24
Printing, etc., 34th annual meeting	14.25
Miscellaneous printing	35.50
Fire insurance premiums	9.21
Exchanges, service charges, National City Bank	5.80
Franklin Photo-Engraving House, reproductions, cuts, etc., Rosenbach bibliography, *Publication* No. 30	182.32
Balance with treasurer, October 1, 1926	1,718.66
	$2,874.29

Research Fund.

RECEIPTS.

Balance with treasurer, October 1, 1925		$1,950.000
Contributions		
Louis Bamberger	$500.00	
Charles J. Cohen	100.00	
Abram I. Elkus	10.00	
Lee M. Friedman	200.00	
Henry S. Hendricks	250.00	
		1,060.00
		$3,010.00

EXPENSES.

Samuel Oppenheim, grant for	$500.00
Balance with treasurer, October 1, 1926	2,510.00
	$3,010.00

Helen C Rosendale Memorial Fund.

RECEIPTS.

Balance with treasurer, October 1, 1925	$1,049.40
Interest	47.74
Balance with treasurer, October 1, 1926	$1,097.14

STATEMENT OF THE ASSETS OF THE SOCIETY.

Balance with treasurer, October 1, 1926, Research Fund	$2,510.00
Balance with treasurer, October 1, 1926, General Fund	1,718.66
	$4,228.66

Balance in National Savings Bank of Albany	$4,008.53
Balance in National City Bank of New York	220.13
	$4,228.66
Balance in National Savings Bank of Albany, N. Y., Helen C. Rosendale Memorial Fund	1,097.14
	$5,325.80

As a committee on nominations Rev. Leon H. Elmaleh, Dr. Solomon Zeitlin and Morris Wolf, of Philadelphia, were appointed by the chair. Their report was presented at the second session and, in accordance therewith, the following officers and additional members of the executive council were elected:

President, Dr. A. S. W. Rosenbach, Philadelphia, Pa.; vice-presidents, Hon. Simon W. Rosendale, Albany, N. Y.; Prof. Richard J. H. Gottheil, New York City; Rev. Dr. David Philipson, Cincinnati, O.; Capt. N. Taylor Phillips, and Max J. Kohler; corresponding secretary, Albert M. Friedenberg; recording secretary, Samuel Oppenheim; treasurer, Henry S. Hendricks; curator, Leon Huhner; all of New York City. Additional members of the executive council (for a term of three years expiring with the thirty-seventh annual meeting): Charles J. Cohen, Philadelphia, Pa.; Dr. Herbert Friedenwald, Washington, D. C.; Prof. Max L. Margolis, Philadelphia, Pa.; Prof. Alexander Marx, New York City.

The following necrologies of deceased members of the Society were presented at this meeting:

Israel Abrahams, by Dr. Claude G. Montefiore; Adolfo Bonilla y San Martin, by Prof. Richard J. H. Gottheil; Henry S. Q. Henriques, by Elkan N. Adler; Kaufmann Kohler, by Rev. Dr. David Philipson; Isidore Spielmann, by Elkan N. Adler; Oscar S. Straus, by Dr. Cyrus Adler; Moses Baroway, by Prof. Alexander Marx; Abraham G. Becker; Bernard Bernheim; Arnold W. Brunner, by Felix M. Warburg; Harris J. Cohn, by Prof. Max L. Margolis; Sigmund Eisner, by Hon. Julian W. Mack; Marcus Feingold; Henry L. Frank;

Florence Knight Harris and Lillian H. Hendricks, by Rev. Dr. D. de Sola Pool; Alfred Jaretzki and David Leventritt, by Louis Marshall; Ephraim Lederer, by Charles J. Cohen; Joseph C. Levi; Rebecca Rosenbach; Adolph D. Straus; Seligman J. Strauss, by Hon. Samuel Greenbaum.

The following papers were read:

(1) "A Jewish voice for peace in the War of American Independence, Abraham Wagg, 1719-1803"; (2) "Some Jewish Loyalists in the War of Independence," by Dr. Cecil Roth.

"The Fathers of the Republic and constitutional establishment of religious liberty," by Max J. Kohler.

"Notes on Jewish silversmiths at the time of the Revolution," by Hon. Alphonso T. Clearwater.

(1) "Isaac Moses and his services in the American Revolution"; (2) "A contemporary account of how the Jews came to arrive in New Netherland in 1654," by Samuel Oppenheim.

"A rare work by Israel Lopez Laguna, the first Jamaica author," by Frank Cundall.

"Hugo Grotius and the struggle for religious liberty for the Jews of Holland," by Dr. Arthur K. Kuhn.

"The Jews in the Revolutionary War," by Albert M. Friedenberg.

"The struggle for religious liberty in South Carolina," by Leon Huhner.

"History of the Jewish Welfare Society of Philadelphia," by Benjamin Glassberg.

The following papers were read by title:

"Memoir of Marcus Otterbourg, United States Minister to Mexico in 1867," by Miss Ruth L. Benjamin.

"American Jewish historical notes," by Rabbi Henry Cohen.

"Existing landmarks in New York State, associated with Jews of Colonial and Revolutionary times," by Leon Huhner.

"David S. Franks, an autobiographical sketch, 1789," by Samuel Oppenheim.

"Memoir of Sam Dreben, D. S. C.," by Rabbi Martin Zielonka.

In connection with the meeting an exhibition, arranged by the president, of matters relating to the Jews of America, particularly at the time of the Revolution, and of early imprints relating to Jews, published in America from the earliest time to 1850, was held.

On motion, the thanks of the Society were formally extended to the Governors of the Dropsie College, for enabling the Society to meet in their premises, and to the committee on local arrangements, for their assistance in making this annual meeting, held during the Sesqui-Centennial Exposition, a success.

On motion, the following amendment to Article II of the By-Laws of the Society, having received the approval of the executive council, was unanimously adopted:

Section 5. Officers of the Society and additional members of the Executive Council, who have served as such for at least twenty-five consecutive years, may be chosen honorary members of the Executive Council of the Society by vote of the members thereof at any stated meeting of the Executive Council.

THIRTY-FIFTH ANNUAL MEETING.

The thirty-fifth annual meeting of the American Jewish Historical Society was held at the Young Men's and Young Women's Hebrew Association, 652 High Street, in the city of Newark, N. J. It began in the evening of Wednesday, November 23, 1927, and continued in the morning of Thursday (Thanksgiving Day), November 24, 1927. At the close of the evening session on Wednesday a collation and social hour were provided.

The president, Dr. A. S. W. Rosenbach, was in the chair, and the corresponding secretary, Albert M. Friedenberg, acted as secretary of the meeting in the absence of the recording secretary, Samuel Oppenheim. The president's annual address was delivered at the opening session.[1]

The officers presented their annual reports. Mr. Friedenberg reported as corresponding secretary that at this date the membership of the Society stood at a total of 439, representing a slight net increase. G. R. G. Conway, of Mexico, was elected a corresponding member by the executive council. The Rosenbach bibliography, *Publication* No. 30, appeared April 1, 1927; it has been widely and favorably reviewed.

The curator submitted his report.[2] Mr. Hendricks reported as treasurer for the fiscal year, October 1, 1926, to October 1, 1927. His report was referred to Dr. Lee K. Frankel and Rev. George Alexander Kohut, of New York, as an auditing committee. It reads as follows:

[2] See p. xxxiv *et seq.*

[1] See *infra*, p. 1 *et seq.*

REPORT OF TREASURER.

General Fund.

RECEIPTS.

Balance with treasurer, October 1, 1926	$1,718.66
Dues	2,130.00
Sales of publications	298.07
Interest	186.46
	$4,333.19

EXPENSES.

Disbursements, Corresponding Secretary's office	$740.00
Disbursements, Curator's office, including clerical assistance	124.43
Printing, etc., 34th annual meeting	65.90
The Lord Baltimore Press, *Publication* No. 30	3,242.48
Fire insurance premiums	21.65
Exchanges, service charges, National City Bank	3.89
Balance with treasurer, October 1, 1927	134.84
	$4,333.19

Research Fund.

RECEIPTS.

Balance with treasurer, October 1, 1926	$2,510.00
Contribution of Lessing J. Rosenwald	1,000.00
	$3,510.00

EXPENSES.

J. Mark Jacobson, grant for research	$500.00
Ruth L. Benjamin, photostats	15.95
Balance with treasurer, October 1, 1927	2,994.05
	$3,510.00

Helen C. Rosendale Memorial Fund.

RECEIPTS.

Balance with treasurer, October 1, 1926	$1,097.14
Interest	50.04
	$1,147.18

Statement of Assets of the Society.

Balance in National City Bank of New York	$133.90
Balance in National Savings Bank of Albany, N. Y.	2,994.99
Balance in National Savings Bank of Albany, N. Y., Rosendale Fund	1,147.18
	$4,276.07

As a committee on nominations Rabbi Aaron G. Robison and Samuel Leber, of Newark, and Emanuel Hertz, of New York, were appointed; they presented their report at the concluding session, whereupon the following officers and additional members of the executive council were unanimously elected, viz.:

President, Dr. A. S. W. Rosenbach, Philadelphia, Pa.; vice-presidents, Hon. Simon W. Rosendale, Albany, N. Y.; Prof. Richard J. H. Gottheil, New York; Rev. Dr. David Philipson, Cincinnati, O.; Capt. N. Taylor Phillips, and Max J. Kohler; corresponding secretary, Albert M. Friedenberg; recording secretary, Samuel Oppenheim; treasurer, Henry S. Hendricks; curator, Leon Huhner, all of New York. Additional members of the executive council (for a term of two years, expiring with the thirty-seventh annual meeting of the Society): Louis Bamberger, Newark, N. J., to fill the vacancy created by the death of Charles J. Cohen; (for a term of three years, expiring with the thirty-eighth annual meeting of the Society): Lee M. Friedman, Boston, Mass.; Rev. George Alexander Kohut, New York; Hon. Julian W. Mack, Chicago, Ill.; Lessing J. Rosenwald, Philadelphia, Pa.

The following necrologies of deceased members of the Society were read at this meeting:

Charles J. Cohen, by Dr. Cyrus Adler; Hermann Conheim; Isabella Freedman; Louis Grossmann; Samuel L. Hyman; Lee Kohns, by Roger W. Straus; Julius Levy, by Dr. Harry Friedenwald; Jules E. Mastbaum; Sol Rosenbloom, by Rabbi Herman Hailperin; Leo Stein, by Rabbi Charles I. Hoffman.

The following papers were read:

"Hernando Alonso: A Jewish *Conquistador* with Cortes in Mexico," by G. R. G. Conway.

"The Sephardic Archives of Europe," by Dr. Cecil Roth.

"Petition of Pennsylvania Jews to Council of Censors regarding a Religious Test," by Miss Ruth L. Benjamin.

"Notes," by Lee M. Friedman.

"Jewish Settlement in Nebraska," by Mrs. Ella Fleishman Auerbach.

"The Jewish Veterans of the Wars of the Republic: An Historical Statement," by Morris J. Mendelsohn.

"Davy Isaacs of Charlottesville," by Dr. Leon L. Watters.

(1) "By-Laws of Congregation Shearith Israel, New York, 1761"; (2) "Notes on the Jewish Community in St. Thomas, 1841-46"; (3) "The Sermon Preached in London, 1776, by Rabbi Moses Cohen D'Azevedo on the American Revolution," by Rev. Dr. D. de Sola Pool.

"Jewish Merchants of Newport in Pre-Revolutionary Days," by J. Mark Jacobson.

"Judah Touro," by Rev. Walter Eliot Thwing.

"The Price the Jew Dr. Lumbrozo Paid for Maryland's So-Called Toleration," by Benjamin H. Hartogensis.

The following paper was read by title:

"Some Notes on the Participation of Jews in the American Revolution, 1775-83," by Dr. A. S. W. Rosenbach.

On motion, the thanks of the Society were voted to the Young Men's and Young Women's Hebrew Association for its courtesy and hospitality, and to the committee on local arrangements for this meeting.

REPORTS OF LEON HUHNER, CURATOR.

Since the Curator's report some eight months ago, the following additions have been made to our collections: 22 printed books and 35 pamphlets, besides 30 periodicals which are regularly received by the Society from the various historical associations and magazines of Jewish interest. The Society's collections at present contain 2294 printed books, 3169 pamphlets, besides periodicals, curios and pictures.

Among the interesting purchases were the following: Mendes de Remedios, "The Portuguese Jews in Amsterdam"; five pamphlets, by Reeks, relating to the Jews in Amsterdam and Brazil; Wätjen's Dutch Régime in Brazil; Grunwald's "Graves of Portuguese Jews in Germany"; Horta y Pardo, "The True Birthplace of Columbus"; an autograph of Neander, and a map of Bahia in 1630.

The most valuable gift received during the past few months, has come from Mrs. Simon Wolf, and consists of a large collection of items, pamphlets and miscellaneous correspondence of the late Simon Wolf, of Washington, D. C. Another very valuable gift is that of two paintings representing Lyon J. Levy and his wife, of Philadelphia. Lyon J. Levy was a prominent merchant of Philadelphia a century ago; these paintings were the gift of the late Mrs. Di Julia Levi, of New York, whose husband, Joseph C. Levi, an eminent jurist, was to have read a paper on these paintings at this meeting. Unfortunately Joseph C. Levi died suddenly, before his paper was completed.

Other gifts were as follows:

1. Mrs. Julius Beer, "George Louis Beer, A Tribute."
2. Charles J. Cohen, "Diary of a Blasé," published in Philadelphia in 1836 by Carey & Hart.

3. Lee M. Friedman, letter of Lords Commissioners of Trade and Plantations regarding Jews of Jamaica, 1699.

4. Mrs. Doris Fleischman, "Plan for World Peace," by Samuel Fleischman.

5. Robert Hallgarten, "Charles L. Hallgarten."

6. Rev. Max. Heller, "Jubilee Souvenir of Temple Sinai of New Orleans."

7. Leon Huhner, a collection of 18 pamphlets of Jewish interest, as well as his usual gift of clippings from various papers, of items of Jewish interest, to be inserted in the scrap-book which he donated some years ago.

8. Rev. Dr. Kaufmann Kohler, "The Origin and Composition of the 18 Benedictions."

9. Max J. Kohler, records and briefs in *kosher* meat cases; records and briefs in immigration cases of Jewish interest; a rare pamphlet entitled, "Deutsch-Americanische Skizzen fur Jüdische Auswanderer," Leipzig, 1857; a photostat copy of a letter of Miss Nancy Curtis Lee, daughter of General Robert E. Lee, referring to Miss Gertrude Deutsch.

10. Adolph Lewisohn, "Catalogue of his private library."

11. Hon. Lucius N. Littauer, "Louise Littauer her Book."

12. Bequest of Mrs. Di Julia Levi, old prayer-book printed at Amsterdam, belonging originally to Mrs. Dinah Levy, of Philadelphia, and presented by her to the donor in 1864.

13. Miss Sarah Lyons, a MS. volume of poems by Mrs. Grace Nathan, wife of Simon Nathan; also MS. record or diary from Philadelphia to Surinam of a voyage in 1805, by Judah Lyons, father of the late Rev. J. J. Lyons.

14. National Committee for the Relief of Jewish Sufferers from Russian Massacres, five letter books and one scrap-book of lists of names and donations, 1905-1907.

15. Mrs. W. R. Robbins, "War Record and Personal Experiences of Walter Raleigh Robbins, 1861-65."

16. B. G. Sack, facsimile letter by Abraham Gradis to Moise Gradis, February, 1759.

17. Dr. S. Solis-Cohen, Governor Worthington's speech on the Maryland Test Act, 1824, pamphlet bearing the autograph of Miss Richa G. Etting.

Dated February, 1925.

The following additions have been made to our collections since the date of my last report: 129 books, and 130 pam-

phlets, so that we now have 2423 printed books, and 3299 pamphlets. Besides these our collections contain files of leading Jewish periodicals as well as pictures, curios and incunabula The most interesting purchases made during the year were the following:

Leite, The Jew of Brazil; Wilberforce Eames Memorial Volume; Altfeld's Jews of Maryland; Rosenbach, Jews of Philadelphia; Dellon, The Inquisition in Goa; Castro, The Portuguese Jews in Amsterdam; da Silva Rosa, Portuguese Jews in Holland; Sluys, German Jews in Amsterdam; Prins, Dutch Intervention on behalf of alien Jews; Mayer, Jews of Vienna; Jorge's Os Cristanõs Novos; Azevede Cristanos Novos; The record in the Mavromatis case involving the Palestinian Concession before the World Court; autograph letters of Judah P. Benjamin, Frankel and Crémieux.

Among the gifts received were the following:

Louis Bamberger, of Newark, three valuable items, namely, the Judah Monis Hebrew Grammar, published in Boston in 1735; a sermon preached by Rabbi Karigal at Newport and published there in 1773; and an autograph letter of Charles Carroll, of Carrollton, to I. I. Cohen, of Baltimore, as Chairman of the Washington Centennial Committee in 1832.

Mrs. Bergman, documents and resolutions relating to Henry Greenebaum, of Chicago.

Charles J. Cohen, Memoir of Rev. John W. Faires; old Hebrew prayer-book of Jacob Florence.

Miss Eleanor S. Cohen, Aaron Baroway, The Cohens of Maryland; and also photographs of the Etting Cemetery.

Albert M. Friedenberg, six pamphlets of Jewish interest and a set of 18 volumes of the "Archives de la Province de Québec."

Professor Richard Gottheil, two sermons on Slavery by Rev. Dr. Gustav Gottheil, 1861.

Mrs. Louise S. Hendricks, photograph of tablet in memory of Haym Salomon, and 25 volumes relating to literature and the stage, containing material of Jewish interest; among them Rev. G. A. Kohut's Ezra Stiles and the Jews; Elzas, Jewish Cemetery at Charleston; and Whiston's Josephus; also copy of letter of Ramapo Valley Chapter, D. A. R., to William Salomon, inviting him to the planting of trees along Lincoln Highway, one of which to be named in honor of Haym Salomon.

Albert E. Henschel, The Jews of China, by Albert Katz; biography of Zunsser; and other volumes.

Leon Huhner, 20 pamphlets of Jewish interest, and a large collection of contemporary newspaper clippings of Jewish interest; also a small painting, the work of the late Mrs. Julia Di Levi.

Max J. Kohler, 12 books and pamphlets of Jewish interest, among them the record on appeal in the case of Chertok *v.* Chertok; and other records of cases involving questions of Jewish interest; also Harry Schneiderman's articles on Jews in America, and the In Memoriam Volumes for the late Louis Stern and Edward Lauterbach.

Miss Lasker, framed copy of the resolution of Congress on the death of Eduard Lasker.

Louis Sampter Levy, photostat copies of the diary of Judah P. Benjamin.

Samuel Oppenheim, facsimile of account relating to the Jewish burial ground in London.

Rabbi Jacob S. Raisin, centennial booklet compiled by him relating to the Introduction of Reform Judaism at Charleston, S. C.

The sword and commission of Dr. William Moss, signed by Lincoln, as surgeon of volunteers in the Civil War. This gift came as a bequest under the will of the late Mary Moss, daughter of Dr. Moss of Philadelphia, through Mrs. Annie B. Moss and Frank Samuel.

Dated October, 1926.

Our collections have increased during the past year by 45 books, 62 pamphlets, and 44 periodicals, so that they now contain 2468 bound volumes, 3361 pamphlets, besides periodicals, pictures, and objects of Jewish interest. Among the interesting purchases during the year were the elaborate book of our fellow-member, Mrs. Hannah London Siegel, Jewish Portraits; Hart's "History of the Jews of Canada," and Herculanum's History of the Establishment of the Inquisition in Portugal.

The gifts received during the year are as follows:

Baltimore & Ohio Railroad, centenary medal; Nathan Billstein, Episodes, Human Interest Stories; Mrs. Walter M. Brickner, the embroidered vest and trousers worn by Sheftall Sheftall, Georgia patriot in the American Revolution; Central Conference of American Rabbis, Year Book; William M. Feldman, The Jewish Child; Albert M. Friedenberg, Rittenhouse Square, Past and Present; View of the Hebrews, by Ethan Smith; Hebrew Grammar, by John Smith,

published, 1802; Kloeke, Patriziat und Stadtadel im alten Soest; catalogue of autographs and letters relating to the Revolution; Emanuel Hertz, autograph letter of Judah P. Benjamin; a collection of pamphlets on Abraham Lincoln in various languages written by the donor; his recent work, Abraham Lincoln, the Tribute of the Synagogue; Calvo's work on immigration; and photostats of documents of American Jewish interest signed by Lincoln, as well as of several Civil War items; Leon Huhner, 15 pamphlets and 2 books, The Judaeans, Volume iii; Rev. S. Levy, through Albert M. Friedenberg, Treasures of the Talmud; Clarence Lewis, through Louis Marshall, portrait of Isaac Franks; George Foot Moore, Judaism, two vols.; Theodore H. Joseph, through Henry Necarsulmer, autographed letter of Abraham Touro to S. Jacobs, of Richmond, 1824; Harry Schneiderman, collection of his articles on the Jew in America; Union of American Hebrew Congregations, selected addresses and papers of Simon Wolf.

Dated November, 1927.

ADDRESS OF THE PRESIDENT.[1]

By A. S. W. Rosenbach, Ph. D., F. A. D.

It is a pleasant duty to welcome the members and friends of the American Jewish Historical Society to the thirty-fifth annual meeting. The Society was organized on June 7, 1892, in the building of the Jewish Theological Seminary of America, then at 736 Lexington Avenue, New York, pursuant to a call issued by Dr. Cyrus Adler. At this meeting the first president of the Society, Hon. Oscar S. Straus, upon taking the chair for the first time, said:

> We are entering upon a new field. How rich this field is, probably none of us has an adequate conception. The material that we are to seek is scattered, is disjointed, and covers a long period of time. It is fortunate that at this time, when so much is being done for historical investigation, by reason of the mind being directed back in view of the approaching four-hundredth anniversary of the discovery of this country, we meet for the purpose of gathering together what there is in the field that pertains specifically to the Jews as connected with this continent, and thus contribute to the general history of the country.

The little band of devoted historical students who met on this happy occasion, and who attended the first scientific meeting in Philadelphia in the December following, had probably little idea of the tremendous future growth in prestige and prosperity of the United States and the position it would play in the affairs of the world. The Great War was a thing unforeseen, and the results thereof, with this country taking its place as the foremost creditor nation, with all that the term implies, was a condition far beyond the dreams of the most imaginative student of American history.

[1] Delivered at the thirty-fifth annual meeting, Newark, N. J., November 23, 1927.

Since the first meeting of the American Jewish Historical Society much has been accomplished. The thirty sturdy volumes published and issued to its members during the last thirty-five years speak more eloquently than anything I can say concerning the work of the Society. And yet in a measure we have accomplished little; there is so much yet to do. Although we have among us trained historical students, we have not enough. New mines of material have been discovered, which should command the attention and care of only the highly skilled worker. In the course of the next few years, if we have the funds at our command so that highly skilled research students can be employed on this original source-material, much can be expected.

The earliest white settlers on the continent of North America were those hardy pioneers that went with the *conquistadores* to Mexico, to the West Indies, to Panama, Peru and Brazil. There were Jews among them, we are sure, but of their actual services we now know little. It has been the good fortune of the American Jewish Historical Society to welcome as a member during the present year Mr. G. R. G. Conway, of Mexico City, Mexico, who will place at the service of the Society a great mass of unpublished material relating to the first Jews in Mexico. Already he has made a great contribution to the subject by collecting everything of interest relating to it, and he is now having translated and edited hundreds of inquisition records, early narratives, and unpublished documents.

The first settlement of Jews in New Spain is worthy of the metal of the most astute historian. The early records in the public archives of Mexico, and in such collections as those of Icazbalceta, to mention only one of the private libraries, have never been systematically explored by students of American Jewish history. Mr. Conway, with the knowledge of the scholar, and the acquisitive instinct of the collector, a rare combination, has sent to us, to read at this meeting, a paper on Hernando Alonso, a Jewish *conquistador* with

Cortés in Mexico. It is the first time anything relating to the subject has been published in English, and the facts regarding Alonso's relations with Cortés are entirely new.

We learn from Mr. Conway's scholarly paper that Hernando Alonso was an iron-worker who came to Mexico from Cuba in 1520, and that he had been acquainted with the great Captain-General, Hernando Cortés, as early as 1516. The career of this early Jewish *conquistador* is traced step by step until he was burned at the stake in the year 1528. This now famous Jewish heretic, as he is termed in the official documents, thus suffered martyrdom for his faith early in the sixteenth century, and is the first of whom we have, at the present writing, any record. In the same year, however, as we learn from Mr. Conway's researches, another, Gonzalo de Morales, trader, of Seville, inhabitant of Mexico, of Jewish descent, and a heretic, also suffered at the stake for Jewish practices.

The relations of Alonso with the great *conquistador,* Cortes, constitute a dramatic page in the history of the Jews on the continent of North America. Thus we learn that

during the latter part of 1520 and the beginning of 1521 he was engaged on the construction of 13 brigantines which Cortés ordered Martin Lopez to build. A surviving *conquistador,* Bartolomé Gonzalez, told the *Inquistador* Bonilla in the year 1574 that Alonso

had hammered many nails into the brigantines that served to recapture the city of Mexico, and that he had seen Alonso taking part in the attack.

Thus a new chapter, and a most important one, is added to the history of the Jews in the New World. It is now incumbent upon us to send trained investigators to Mexico to continue and complete these researches. I understand there are thousands of documents absolutely unknown to us. It is our duty, therefore, to man an exploring expedition, as it were, to unearth this mine of new material that has suddenly been opened to us.

If there were Jews with Cortés in Mexico there were also people of the Jewish faith with that other great *conquistador,*

Francisco Pizarro in Peru. The archives at Seville and in Madrid, and the public collections in Lima, have not even been scratched. I have just seen an extraordinary mass of material which has been brought from South America that deals with the first white inhabitants of the City of the Kings, and gives a new light on Pizarro, Almagro and the first of the *conquistadores.* In going through these primitive records I was struck with the many Jewish names, such as Carvajal, Espinosa and Lopez, to mention only a few. An intensive search should be made through the ancient historical archives of the Indies; to Spain, the parent country, must the investigator proceed to find the ancestors of these first inhabitants with the Jewish names. A research such as Mr. Conway has made and is making in Mexico, must be carried on in Old Castile. By means of the photostat, records are much more easily and quickly copied than in the laborious way of the old historians, so that results can be obtained in half the time. The cost is not nearly so great,—and now is the time to begin.

Of course we should proceed to do this in every part of America, although we have already accomplished much in unearthing new materials for Jewish history in the Dutch and English colonial possessions. Our honored recording secretary, Samuel Oppenheim, has accomplished a great deal by his research in the Dutch archives, and has discovered much unpublished data concerning the Jews of Brazil and New Amsterdam. It would be a good thing if state Jewish historical societies were formed, as there is always more interest in the facts concerning matters near at home. It might be feasible to have committees appointed in every state in the Union, so that local matters might be gathered, all to work under the guidance of the parent organization.

In the paper submitted last year in Philadelphia on the occasion of the Sesquicentennial, a plea was made for all material that would throw light on the participation of the Jews in the Revolution, from the time of the inception of the movement in the second half of the eighteenth century until

the formulation of the Constitution of the United States in 1787. This plea, I am glad to say, has borne fruit. Mrs. Walter M. Brickner (Perla S. Abrahams) of New York, the granddaughter of Perla Sheftall Solomons, has placed at my disposal a wonderful lot of papers of the colonial and revolutionary period, consisting chiefly of military documents belonging to Sheftall Sheftall, who was born in Savannah, Ga., in 1762, and died there in 1847, at the "respectable" age, as the old historians would term it, of eighty-five. All his life was spent in Savannah in the house in which he was born. He was just fourteen years old when the Declaration of Independence was signed. He lived in the ancient colonial residence on Broughton Street, Savannah, with his niece, Perla Sheftall, who afterwards married Lazar Solomons. Sheftall Sheftall's father was Mordecai Sheftall, who held the position of commissary-general of Georgia with the rank of colonel during the Revolutionary War. The papers of Mordecai Sheftall have also come into my possession, and they form an interesting chapter on the rationing of troops during the war. Old Mordecai, the commissary-general, never delivered a loaf of bread, or what is more important, a bottle of Vera Cruz rum, without receiving a receipt! All these are duly, and meticulously, filed among the Sheftall papers. Although I have purchased these old documents through the great kindness and courtesy of Mrs. Brickner, I feel that I am only their bailee; in time, when they are properly calendered and indexed, and the Society has the proper place to keep them, I shall turn them over to the care of the Society.

In the paper which I read in order to increase the interest in the study of the life of the Jews during the colonial and revolutionary period, I had cause to dwell on the fact that not only historical MSS., early printed books, autograph letters and documents of Jewish interest should be preserved, but also that an effort should be made to secure early portraits, early American furniture, silver, original costumes and, in fact, the whole apparatus of the daily routine of an inhabitant

of the British provinces, in order that some day a complete picture could be drawn of life as it was in the picturesque eighteenth century.

Mrs. Brickner has responded nobly to our call. She has presented to the American Jewish Historical Society the waistcoat and breeches of Sheftall Sheftall, worn by him during the Revolutionary War. When Sheftall died he left to his grandnephew, E. H. Abrahams, his three-cornered hat, his coat, vest and trousers, and they descended, in turn, to Mrs. Walter M. Brickner. These cherished mementoes of colonial days, which have just been presented to the Society, are not the ordinary clothes worn by our early citizens. They are rather a gala uniform,—the waistcoat of yellow silk, elaborately embroidered with dark brown silk thread in the form of laurel leaves; the breeches of sturdy brown linen, of an excellent quality, to be buttoned and buckled at the knee. Now this ancient costume of Sheftall Sheftall is well-known to the historians of Georgia. Charles S. Hardee, at ninety-four, remembered with distinctness

old Sheftall Sheftall in his revolutionary clothes, exchanging snuff with Col. Joseph Jackson. It was the Macon *Journal and Messenger* that gave Sheftall Sheftall the name which long clung to his memory, "The last of the cocked hats." A week after his death it said of him: "He will be recollected by every one who has visited Savannah. His adherence to the dress and fashions of the good olden times always attracted the notice and interest of the stranger. With truth, we think, it may be said that he was 'the last of the cocked hats' in Georgia, and perhaps in the union."

Emily Burke, in her "Reminiscences of Georgia," thus speaks of the old revolutionary patriarch:

There I frequently saw the ancient tenant of this ancient dwelling, sitting upon a bench with his chin resting on his hands clasped above the top of his staff, while the long silver locks, bleached by (almost) a hundred summers, fell upon his shoulders, causing him to look so old I could not wonder he did not wish to have anything around him assume a more youthful appearance.

The same three-cornered hat that had covered the locks of blooming manhood still sat upon that head, and the long-waisted coat with wide skirts, the small clothes, the large silver buckles at the knees and smaller ones at the tops of the shoes, were all in strict keeping with the old, dilapidated, moss-covered tabernacle of the aged master.

Another writer also speaks of Sheftall Sheftall as follows:

The Fourth of July was a day to be celebrated with due pomp and ceremony. Its significance was stressed and orators could indulge in "spread eagleism" with no fear of adverse criticism. And when the day the nation's birth was observed, in the parade rode old Sheftall Sheftall, cocked hat and uniform of '76, a living relic of the gallant forces that Georgia had given to the land in its fight for freedom.

It was this costume that has been so generously presented to the Society by Mrs. Brickner. When looking at this quaint eighteenth-century dress, we cannot but think of the costumes in those masterpieces of portraiture by Charles Willson Peale, John Wesley Jarvis, Gilbert Stuart, and Thomas Sully which Mrs. Hannah London Siegel, a member of our Society, has so graphically pictured in her book of "Jewish Portraits."

This leads me to another gift just made to the American Jewish Historical Society by the late William Salomon, of a portrait of Colonel Isaac Franks, being a copy of the one by Gilbert Stuart in the Pennsylvania Academy of Fine Arts. We have now in our collections some distinguished examples of early American portraiture, and when we have a suitable place to house our treasures, these splendid portrayals of our ancestors will hang in a gallery where they can be seen and appreciated.

It is these gifts that inspire us and revive our courage to proceed with our task. The material is gradually accumulating, to be made accessible to the student of our early history. With adequate funds (which must be obtained), with unflagging enthusiasm, with the spirit for genuine historical research, we may safely look for the day when we can issue a satisfactory, if not a definite, history of the Jews on the western continent.

AUTOGRAPH OF HERNANDO ALONSO.

HERNANDO ALONSO, A JEWISH CONQUISTADOR WITH CORTES IN MEXICO.

By G. R. G. Conway.

I.

In the City of Mexico on August 12, 1574, the inquisitors of the newly established tribunal in New Spain,[1] Dr. Don Pedro Moya de Contreras, archbishop-elect, and his colleague, the Licentiate Alonso Fernandez de Bonilla, in their afternoon audience, reviewed the proceedings that had been taken by the Holy Office against certain persons who in the past had been condemned to the stake or had been "reconciled" for the offence of heresy. They duly considered the authority for the former proceedings whether apostolic or secular and investigated what *sambenitos* (penitential garments) in the previous forty-six years had been set up in the cathedral church of the city. As a result of careful enquiry, which had extended over the previous two months, in which many witnesses were examined, the inquisitors ordered the setting up in the cathedral church of twenty-two *sambenitos;* upon each of these was to be written the name and nationality of the prisoner and the year of his condemnation and punishment. The different

[1] The regular tribunal of the inquisition was authorized in the Spanish colonies by a decree of Philip II, dated January 25, 1569, and established in Mexico by a supplementary decree dated Madrid, August 16, 1570. Dr. Don Pedro de Moya de Contreras, who had been inquisitor at Murcia, was the first chief inquisitor. He became archbishop of Mexico in 1574, viceroy in 1583, and in 1586 he returned to Spain and was appointed president of the Council of the Indies, but died a few months after he had taken office. See J. T. Medina, *Historia del Tribunal del Santo Oficio de la Inquisición en México,* Santiago de Chile, 1905; H. C. Lea, "The Inquisition in the Spanish Dependencies," New York, 1922.

sambenitos were to be set up in two rows in the public part of the church, one row on the Gospel side and the other on that of the Epistles. The first three names were as follows:

(1) Hernando Alonso, smith, born in the Condado de Niebla, inhabitant of Mexico, Jewish heretic, burnt at the stake, year 1528.

(2) Gonzalo de Morales, trader, born in Seville, inhabitant of Mexico, of Jewish descent, heretic, burnt at the stake for Jewish practices, year 1528.

(3) Diego de Ocaña, scrivener, born in Seville, inhabitant of Mexico, of Jewish descent, heretic, condemned for Jewish beliefs, reconciled, year 1528.

Upon other *sambenitos* there was recorded the punishment of a Lutheran called Andres Moral, a lapidary, who was reconciled in 1536; Francisco Millan, a Jew, reconciled in 1539; and that of Robert Tomson[2] an Englishman and Agustin Bocacio, a Genoese,[3] who were both reconciled in 1560. The remaining fifteen *sambenitos* were those of the recent victims of the first great *auto de fe* of the newly established tribunal, held on February 28, 1574, twelve of whom were sailors captured from the fleet of Captain John Hawkins, after the epoch-making disaster at San Juan de Ulua in 1568.[4]

In the present paper an endeavor will be made to throw some further light, from the fragmentary information that has been preserved, on the fate of Hernando Alonso. J. T. Medina[5] has already recorded some brief particulars of his trial, and the writer has discovered a few additional facts in examining some original documents to be found among the

[2] See Hakluyt's "Principal Navigations," 1589 edition, pp. 580-587; *Archivo General de la Nacion,* Mexico, Inquisition Records, vol. xxxii; G. R. G. Conway, "An Englishman and the Mexican Inquisition, 1556-1560," Mexico, 1927.

[3] A. G. N. Mexico; Inquisition Records, vol. xxxi.

[4] See Julian S. Corbett, "Drake and the Tudor Navy," London, 1899, vol. i, chap. iii; J. A. Williamson, "Sir John Hawkins, Oxford, 1927, pp. 184-202.

[5] *La Primitiva Inquisición Americana,* Santiago de Chile, 1914, pp. 121-124.

inquisition records in the Mexican National Archives and from other sources in Mexico City.[6]

Hernando Alonso was a smith, or iron-worker, who came to Mexico from Cuba with Panfilo de Narvaez in 1520. He was then a man of over sixty years of age and married to Beatriz, the sister (?) of Diego de Ordaz,[7] and had been acquainted with Hernando Cortes since 1516.

In the course of a suit that was brought by Juan Tirado against Cortés in April, 1529,[8] during the presidency of Nuño de Guzman, and in the presence of the judges, Ortiz de Matienzo and Diego Delgadillo, there was incorporated the earlier evidence against Cortes taken in 1526, evidence which was submitted when the famous *Residencia* was held.[9] Among the witnesses called at the earlier date were Diego de Ocaña[10] and Hernando Alonso. To various questions asked at this

[6] Particularly a MS. volume entitled: *Autos y diligencias hechas . . . . Sambenitos Antiguos y re . . . . y postura de los que sean relaxado por este Santo Oficio hasta el año de 1632 que se renovaron y pusieron de Nuevo." Inquisición correspondencia, Siglo xvi. Tomo lxxvii.* A. G. N., Mexico.

[7] See Bernal Diaz del Castillo, "The Conquest of New Spain," London, 1908, references to Diego de Ordaz in index, vol. i, p. 387.

[8] *Documentos para la Historia de México, Archivo Mexicano,* Mexico, 1852, vol. ii, pp. 377-499.

[9] *Documentos, supra,* vols. i and ii.

[10] Diego de Ocaña was a native of Seville, of reputed Jewish descent. He arrived in Mexico from Santo Domingo, in June, 1525, and was authorized by the city council to exercise his profession of notary the same month. He was the author of several violent letters against Cortes written to the *Casa de Contractación* in Seville. See *Documentos Ineditos del Archivo de Indias,* Madrid, 1870, vol. xiii, pp. 348-356, 393-406. For his evidence against Cortes see *Documentos para la Historia de Mexico, supra,* vol. lxxvii, Inquisition Records, A. G. N., Mexico, gives some account of his trial and further light is thrown upon this extraordinary man by his will, made in 1533, a transcript of which is published in *La Vida Colonial, Publicaciones del Archivo General de la Nacion,* Mexico, 1923, vol. vii.

enquiry [11] regarding the authority and intentions of Narvaez, and Cortes's action in consequence of the arrival of Narvaez, we find Alonso giving specific answers showing that his sympathies were with his former commander. He had, he said, seen the warrants which Narvaez had brought to New Spain and had heard them proclaimed in the Port of San Juan de Ulua as soon as he had landed. Describing the famous attack by Cortes against Narvaez at Zempoala [12] he said that

> Narvaez was a resolute man who, if he had been animated by the intentions which had been attributed to him, would have sought out Hernando Cortes because, in addition to being a capable leader, his men were more numerous and better equipped and who, on the night of the fight, even though taken by surprise, showed himself to be a brave man.

After Cortes had captured Narvaez and all his equipment and men, he returned to Tenoxtitlan, Mexico and

> re-entered it with more than eight hundred men between horse and foot.

From Hernando Alonso's statement it is evident that he was also present during the Spaniards' retreat on the famous *Noche Triste,* as he was familiar with the great loss of gold, silver and jewels which the Spaniards suffered. During the latter part of 1520 and the beginning of 1521 he was engaged on the construction of the thirteen brigantines which Cortes ordered Martin Lopez to build at Texcoco, a fact which was confirmed by a surviving *conquistador* named Bartolomé Gonzalez, who told the Inquisitor Bonilla in 1574 that Alonso

> had hammered many nails into the brigantines that served to recapture the City of Mexico,

and that he had seen the old man taking part in the attack.

Alonso, too, was present in Mexico when the humiliated Francisco de Garay [13] returned from Panuco, and when the

[11] The full evidence of Hernando Alonso, forming part of this enquiry, is contained in a fragment of an unpublished MS. in the archives of the *Hospitál de Jesús* in Mexico.

[12] "The Conquest of New Spain," *supra,* vol. ii, p. 207.

[13] H. H. Bancroft, "History of Mexico," vol. ii, chapters vi and vii.

Indians had arisen in that territory and Gonzalo de Sandoval had been dispatched by Cortes in 1523 to quell the disturbances, Alonso was one of his force, which included one hundred and fifty Spaniards and thirty thousand natives. When asked about the failure of Cortes to make a proper distribution of the spoils of war, he said the accusation was true because, had they been distributed fairly, he would have been informed of it and, as a *conquistador,* he would have received his share. He also stated that he had seen

> the said Hernando Cortes wearing a belt of refined gold which he had exacted from the natives,

and added that Cortes had kept for himself the best and richest land in all the country, this being common knowledge. Alonso

> believed that he had retained three-quarters of such land and distributed less than one-quarter, the allotments given to the *conquistadores* and other inhabitants being insufficient for their support.

Alonso appears to have been familiar with all the stirring activities of 1525 and 1526. He had also been present in Mexico City on the arrival of Ponce de Leon,[14] whom Charles V sent to take the *Residencia* of Cortes. Questioned on this subject, he replied that

> he had seen, on the day when the Licentiate Luis Ponce died and before he was buried, that the alcaldes and city councillors assembled in the church of this city and started to shout, and that Juan de Valdivieso, procurator of Guatiqualco, in the chapter cried out that Don Hernando Cortes was their governor and captain-general, and the community wanted to have him back; that the witness was in the chapter house and saw Don Hernando Cortes enter looking very haughty.

Alonso's evidence, although given against Cortes, is moderate in expression and not marked with the virulence and hatred shown by Diego de Ocaña and other witnesses. He had fought for Cortes in many an arduous campaign for five years, and although he had been awarded an *encomienda* at Acto-

[14] Bancroft, *supra,* chap. xii.

pan [15] and was called its lord, apparently it was insufficient for his support, and from many *conquistadores* hard things were heard against the captain-general during those times when his star appeared to be declining. Sometime towards the end of 1525, or the beginning of 1526, Alonso had been on an expedition to Guanajuato, but we have no information regarding under whom he served or for how long he was away from Mexico.

Between March 15, 1524, and March 9, 1528, we find frequent references to Hernando Alonso in the first book of the *Actas de Cabildo* [16] of the newly-formed city council of Mexico City. That he was a respected and trusted citizen there is no doubt. He was granted by the city council several ground plots, and apparently on his property at Actopan he raised cattle for the supply of meat to Mexico City. On March 15, 1524, he appeared before the mayor and aldermen and stated that, whereas Pedro de Maya, who had the butcher's shop of the city, sold the *arrelde* (four pounds) of pork at six *reales,* he would sell the same weight for four *reales,* and asked them to accept his bid. The aldermen gave orders that the same bid should be proclaimed by the city crier so that, if within nine days any other person wished to make a lower bid, he should be favored. On October 3, 1525, Rodrigo de Paz, in the name of the governor, appeared before the city council and offered to sell the *arrelde* of pork for two *reales.* Hernando Alonso agreed, on certain conditions, to lower his price to one and a half *reales.* A notification was then sent to Hernan Lopez de Avila, who, in the absence of the governor, represented him, asking if he was willing to sell at one and a half *reales* the *arrelde,* otherwise the bid of Hernando Alonso would be accepted. On May 7, 1527, he again appeared with an offer to sell mutton and beef at five *reales* the *arrelde* and one gold *real* for pork.

[15] Actopan is about sixty miles north of Mexico City.

[16] In the archives of the municipality of Mexico.

The last reference to Alonso in the *Actas de Cabildo* is on March 9, 1528, when he appeared in partnership with Bartolomé de Morales and gave the mayor and aldermen the prices at which they were willing to sell meat from Easter of that year until *Carnestolendas* (three days before Ash Wednesday) of 1529, as follows:

Mutton at 4 *reales* the *arrelde*. Beef at 4 *reales* the *arrelde*. Pork at 28 *maravedis* the *arrelde*.

The aldermen received the bid apparently without further question, as they ordered it to be proclaimed by the city crier. The minutes of this meeting of the city council are signed among others by Alonso de Estrada, the governor.

II.

The events and reasons which led to the martyrdom of the old *conquistador* are very difficult to understand. Between March, 1528, when he appears to have been in the favor of Alonso de Estrada, the acting governor of New Spain, and his persecution only a few months later by the Dominican inquisitors, there was a stormy and unsettled period, full of rivalries and bitter jealousies, and one of virulent partisanship. Cortes was, at that time, practically exiled and had gone to Spain to lay his own merits and services before the emperor, and it was not until the end of the year that Nuño de Guzman, as president of the first *audiencia,* arrived, accompanied by Friar Juan Zumárraga, the newly-appointed bishop of Mexico.

There are no contemporary documents available recording the first *auto de fe* in 1528, and, but for the zeal and thoroughness of Inquisitor Bonilla in 1574, all knowledge of many interesting facts regarding the primitive inquisition in Mexico would have been lost. Fortunately, the documents relating to Bonilla's enquiry are preserved in the Mexican National Archives,[17] and from these we are able to obtain fairly reliable

[17] A. G. N., Mexico, Inquisition Records, vol. lxxvii.

information regarding the first victims of the inquisition in New Spain.

For a proper understanding of the authority assumed and wielded by the friars in cases of heresy in the early days after the conquest, it is necessary to briefly review the early history of inquisitorial authority in North America.

It was many years after the colonization of the West Indian territories had been considerably advanced before Spain introduced the formal tribunal of the inquisition in Mexico. According to Las Casas,[18] Friar Pedro de Cordoba was the founder of the Dominican order in the New World. He arrived in Hispaniola in September, 1510, but, due to his fervent preaching on behalf of the native Indians, the Spanish settlers grew angry, and he returned to Spain to lay the matter before his provincial. Pedro de Cordoba returned to Hispaniola some years later. Cardinal Tortosa, the inquisitor general in Spain, on January 7, 1519, appointed as apostolic inquisitors in the Indies, Alonso Manso, bishop of San Juan de Puerto Rico, and Friar Pedro de Cordoba, the vice-provincial of the Order of St. Dominic.[19] Apparently the only official act of Friar Cordoba, who died at Santo Domingo in June, 1525, was to grant a commission to Friar Martin de Valencia of the Franciscan order, who passed through Hispaniola in 1524 on the way to Mexico. Under this commission Friar Martin was appointed commissary for the whole of New Spain, with limited authority to punish delinquents. By virtue of two papal bulls,[20] one granted by Leo X, dated April 25, 1521, and another by Adrian VI, dated May 9, 1522, the Franciscan friars were granted far-reaching authority in religious matters, although no specific reference is made to inquisitorial powers. With the authority of these papal bulls, Friar Martin de Valencia, on his arrival in Mexico in 1524, was sufficiently authorized to

[18] *Historia de las Indias,* Madrid 1875, vol. iii, pp. 273-274.
[19] Medina, *La Primitiva Inquisición Americana,* vol. ii, p. 5.
[20] Medina, *supra,* vol. i, p 99.

act as inquisitor, an authority which he apparently limited to curbing the hardy *conquistadores'* habit of blasphemous swearing. In this connection it is interesting to note that Hernando Cortes, some years earlier, a month or two after his retreat from Mexico in June, 1520, had himself issued a decree imposing heavy penalties for blasphemy and gambling.[21]

When the Dominicans passed over to New Spain in 1526, the judges of the *audiencia* of Hispaniola decided that Friar Martin de Valencia's commission should only hold good until their arrival in Mexico. The appointment of commissary was held soon after their arrival by Friar Domingo de Betanzos, who exercised the office until July, 1528, and during this period no serious cases, other than blasphemy, came before him.

About that date there arrived in Mexico Friar Vicente de Santa Maria, the founder of the Dominican monastery, and Friar Betanzos was relieved of the office of commissary. Friar Santa Maria had first come to Mexico two years before, but left for Spain soon afterwards. On his return he came with the title of vicar general, and in the first chapter of his order celebrated in New Spain he was elected superior of the monastery and, as such, became commissary of the Holy Office. The authority with which he was endowed made him the first persecutor of the Jews in America, and the first to condemn to the stake two reputable citizens for judaical practices. Friar Santa Maria does not appear to have exercised any authority after 1528, and Medina suggests that his relentless conduct probably led to his removal from Mexico.

Don Sebastian Ramirez de Fuenleal, the president of the second *audiencia,* writing to the emperor in 1532,[22] indicated that the conduct of the friars was not approved in higher quarters; the letter read in part as follows:

The friars of these orders of St. Dominic and St. Francis hold an apostolic brief from Adrian, given at the request of Your Majesty,

[21] *Documentos Ineditos, supra,* vol. xxvi, pp. 16-18.

[22] *Documentos Ineditos, supra,* vol. xiii, p. 211.

in virtue of which the friars of both orders have arrogated to themselves episcopal and even pontifical functions . . . . and by virtue of the same brief they have instituted proceedings in cases of heresy, and have appointed constables with the wand and title of constable of the inquisition, and employed notaries, and have sentenced some offenders to the flames, and others to public reconciliation and penitence, and it appears to me that what was granted to them to effect the conversion of the Indians, they have turned into a stumbling block and a pretext for invading the jurisdiction of others. . . . .

From the time of Friar Santa Maria there are few cases of importance dealt with by the Dominican or episcopal authorities until the appointment of Bishop Zumárraga in 1535 as apostolic inquisitor, and in 1536 he proceeded to establish a tribunal, nominating as secretary Miguel Lopez de Legazpi, famous afterwards as the conquerer of the Philippines. Bishop Zumárraga as an inquisitor is chiefly remembered for his trial of the Indian chief, Don Carlos, whom he condemned to the stake in 1539. In 1543 Zumárraga was superseded as inquisitor by the *Visitador* Francisco Tello de Sandoval.[23] Sandoval does not appear to have been active as an inquisitor, and after his return to Spain in 1546 the inquisitorial proceedings were in the hands of the episcopal authorities, until the arrival, in 1571, of Dr. Pedro Moya de Contreras, with the Licentiate Alonso Hernandez de Bonilla as fiscal. At this time the regular tribunal of the inquisition was established under the decree of Philip II, dated at Madrid, August 16, 1570. The authority of this tribunal extended not only over the whole of New Spain, but also to Guatemala, Nicaragua and Honduras.

The new tribunal began its active work at the beginning of 1572, and an examination of many *procesos* prior to that time shows that they were carefully annotated by the fiscal, Bonilla, who appears to have shown amazing energy and thoroughness in his new position. Bonilla discovered in examining the old documents that many of the *procesos* were

[23] *Cedulario de Puga,* Mexico, 1563, fol. 97.

missing and that the *sambenitos* of some former heretics were no longer hanging in the cathedral church.

With the new inquisitors' first great onslaught against heresy, which culminated in the *auto de fe* of February 28, 1574, Bonilla, who had succeeded Pedro Moya de Contreras as chief inquisitor, determined to keep the record of heresy straight from the time Spain had colonized the new territories, now under the inquisition's jurisdiction. He examined all those who might be in a position to inform him of the past, and opened an enquiry by calling before him, at his afternoon audience on June 16, 1574, Friar Vicente de las Casas of the Dominican order. Friar Vicente was a native of Seville, seventy-five years of age, and had arrived in Mexico a few years after the conquest.

When questioned as to whether he knew the number of *sambenitos* there had been in the cathedral church in past times, who were the people who had worn them, and under what authority they had been condemned, he replied that during 1528, more or less, when Friar Vicente de Santa Maria of the order of Santo Domingo came to this country, the Franciscan friars, who had come out previously and had been entrusted with apostolic authority under the bull of Adrian VI to take cognizance of matters relating to heresy, by mutual agreement handed over the said charge to Friar Vicente de Santa Maria, who at once commenced to punish blasphemies as had previously been done by Friar Domingo de Betanzos of the same order. In the same year Friar Santa Maria proceeded against a certain Hernando Alonso, a smith, and another man called Gonzalo de Morales. The witness one Sunday saw Hernando Alonso and Gonzalo de Morales garmented with *sambenitos* having devices of flames upon them. These two were handed over to the secular authorities to be burnt at the stake in virtue of the sentence passed upon them, which sentence the witness believed was carried out near

Santiago,[24] the sentence having been pronounced in the cathedral church, where two scaffolds had been erected, on one of which were the condemned and on the other the said Friar Santa Maria, the Licentiate Altamirano and Alonso de Estrada, governor of the City, and a number of other religious and prominent personages.

He was further questioned as to whether the *sambenitos* of the two prisoners were hung up in the cathedral church, to which he answered that he had seen them a number of times but did not remember when they were removed. He also said that the *sambenitos* had flames of fire upon them and each bore the name of the offender.

The witness was questioned as to the offences committed by Hernando Alonso and Gonzalo de Morales, and he replied that he understood that Alonso was thrown into prison for having twice baptised a child, it being at first believed that he had done it through ignorance, but later he confessed that the second baptism was according to the ritual of the law of Moses. The witness said he had heard Friar Santa Maria and the Dominican friar, Pedro de Contreras, remark that they had found that the baptismal ceremony appertained to the law of Moses. The witness also said that Gonzalo de Morales was imprisoned as the result of a dispatch which the bishop of San Juan de Puerto Rico had sent to the monastery of Santo Domingo in this city, in which the bishop, who was named Manso,[25] said he had condemned to the stake as a Jewess a sister of Morales, who had inculpated her brother, saying that the two of them had beaten a crucifix, hanging it on a latch, and in the course of the trial Morales had confessed and had been burnt as a Jew. The witness said he had seen the *proceso* on the case, and had heard Friar Pedro de Contreras preach a sermon in the cathedral church recounting the

[24] Santiago was situated at the northern boundary of what is now the present city of Mexico. It was there that the Franciscans founded a monastery in 1529, near the site of the famous temple of Tlaltetolco.

[25] Medina, *supra,* vol. ii, p. 5.

offences of the accused. The witness also told the inquisitor that Hernando Alonso had two or three children, already advanced in years, living at that time in the City of Mexico.

The witness was asked how it came about that Hernando Alonso and Gonzalo de Morales had been turned over to the secular authorities to be burnt at the stake, seeing that they had confessed their offences, and whether it was that they had relapsed or recanted, and he replied that he had understood from Friar Pedro de Contreras that Morales had confessed too late, but that he did not know why they had burnt Hernando Alonso.

Two days later the Inquisitor Bonilla called before him the pious and erudite Friar Bartolomé Ledesma, the prior of the monastery of Santo Domingo, and formerly *administrador* of the archbishopric. Ledesma could not throw any light on the missing *sambenitos;* he had been in Mexico twenty-two years, and the only persons whom he had seen punished with a *sambenito* were Robert Tomson, an Englishman, and Agustin Bocacio, a Genoese, who had been punished fourteen years previously by the ordinary inquisition in the time of Archbishop Don Alonso de Montufar.

Maria de Cuenca, an old resident, was asked about Hernando Alonso's relatives. She told the inquisitors that he had left a widow, Isabel de Aguilar, who, being very beautiful, afterwards married Juan Perez de Gama, a *conquistador,* who took her to Spain, together with a daughter of hers by Hernando Alonso, whom they married in Seville to an official scrivener. Isabel de Aguilar again became a widow and married a certain Rodriguez, who was employed in the mint at Seville.

Another witness, Pedro Vasquez de Vergara, a resident of Mexico, seventy years of age, said that in 1528 he had been present in the cathedral church at an *auto de fe* presided over by Friar Vicente de Santa Maria, who had come out with the functions of an inquisitor and was issuing edicts in the same manner as the inquisition, and that at the ceremony he had seen Hernando Alonso, whom he had heard had come from the

Condado de Niebla, and Gonzalo de Morales, sentenced to be burnt at the stake; and later in the same day he had seen them burnt at Santiago. Hernando Alonso, he said, was condemned because he had performed a Jewish ceremony and because he had in accordance with the Mosaic law forbidden his wife, Isabel de Aguilar, to go to church during her menstrual period, of which fact witness was aware because six or seven months before Hernando Alonso was arrested, and before Friar Vicente de Santa Maria had come to Mexico, the witness himself had heard Alonso say to his wife in the presence of Anton Ruiz Maldonado, when she expressed her desire to go to Mass on the following day, Sunday:

Señora, thou must not go to Mass,

and on her enquiring why not, he had answered:

Because in your present condition thou wouldst profane the church.

Whereupon the witness remarked to him:

These are old ceremonies of the Jews which are not observed now we have adopted the law of evangelical grace.

To this Alonso made no reply, and the witness thought no more of the matter; but Anton Ruiz took the matter seriously and denounced it to Friar Santa Maria when he came to Mexico. Pedro Vasquez also remembered that Friar Santa Maria, in delivering sentence, had said that Hernando Alonso had confessed to this, and said it was a ceremony of the Jewish law. And then the witness went on to tell Inquisitor Bonilla that the sentence also recounted how in the Port known as *Real Puerto* (Port Royal) of the island of Española (Santo Domingo) Hernando Alonso and another man named Palma, and others, had taken an infant of two years of age and placed it in a basin and poured water on its head from a jar and the water that ran down from the body of the child and what dripped from its organ they gathered in a cup and drank. On Hernando Alonso, during the course of his trial, being asked why this had been done, he confessed and admitted that it was

done in mockery of the sacrament of baptism. This witness also remembered that Hernando Alonso having a child baptized by Friar Diego Campanero,[26] a Franciscan, one of the three friars that took part in the conquest of Mexico, caused the child to be again baptized by a priest of the cathedral church of Mexico whom witness believed was named Juan Diaz,[27] on the ground that the baptism of the friar was worthless. These facts, said the witness, were related to him by Friar Pedro de Contreras, who was a friend of his, and who had also told him that Alonso when sworn had denied everything, but when threatened with the rack and other instruments for applying the torture had confessed and besought mercy; but this he had done when it was too late to grant it to him and there was nothing to do but to burn him at the stake. Pedro Vasquez told Bonilla that on his remarking to Friar Pedro de Contreras that it seemed a hard thing not to concede mercy to him because he sought it only a few days, not more than fifteen, after his denial, the friar had said that it had to be done.

On Pedro Vasquez asking Friar Pedro de Contreras how Gonzalo de Morales had behaved during his imprisonment, he had replied:

> Leave him alone; he is a dog, and only confessed out of dread of the torture the same as Hernando Alonso.

Pedro Vasquez also told that in 1530 or thereabouts there came to the city, as president of the royal *audiencia,* Don Sebastian Ramirez de Fuenleal, Archbishop of Santo Domingo, and that the archbishop had remarked that the procedure in the trials of Hernando Alonso and Gonzalo de Morales had

[26] The present writer has been unable to trace this name among the early friars.

[27] The licentiate, Juan Diaz, was one of the two religious men who accompanied Cortes to Mexico; his companion was Bartolomé de Olmedo. Juan Diaz was the author of the *Itinerario de Grijalva;* see J. Garcia Icazbalceta, *Documentos para la Historia de Mexico,* Mexico, 1858, vol. i, pp. 281-308.

been irregular and that they had been wronged by being denied the mercy they had implored, the which he (Fuenleal) knew from his experience as an inquisitor in Spain.

This witness further told the inquisitor that Hernando Alonso and he were intimate friends, and on account of their great friendship they called each other *compadre.*

Among other witnesses was the treasurer of the royal exchequer, Bernardino de Albornoz, who confirmed the evidence of Pedro Vasquez de Vergara.

In the course of the enquiry it was elicited that two old residents, both *conquistadores,* could perhaps give additional evidence. Bonilla therefore authorized Pedro de los Rios, the secretary of the inquisition, to go to their houses and examine them. The first old *conquistador* examined was named Diego Valdes, eighty years of age and very infirm. He remembered that when the Marquis del Valle, Don Hernando Cortes, came back to Mexico from his expedition to Honduras and shortly after his return, he saw, wearing the *sambenito* of a reconciled person, a certain Ocaña, a tall old man who had come to Mexico from the island of Santo Domingo. He also said that Hernando Alonso was a *conquistador* of the country, and the old man remembered the story of the baptism of the child and that Hernando Alonso was married to Isabel de Aguilar.

Bartolomé Gonzalez, the other witness, who was a native of Portugal, stated he was a *conquistador* and seventy-four years of age. He told how he had taken part in the siege of Mexico fifty-three years before, and how, between forty-five and fifty years ago, he had seen Hernando Alonso, a *conquistador,* and a certain Gonzalo de Morales, a trader, condemned to the stake, and he confirmed the evidence of other witnesses. He also said he believed that Hernando Alonso came from Lope or Moguer in the Condado de Niebla, and that he had been married to Isabel de Ordaz (Beatriz de Ordaz), who must have been buried in Cholula or Tepeaca, as

she died during the conquest before the siege of Mexico; and the second time he married in Coyoacan a woman called Ana, who died in Mexico; and a third time Isabel de Aguilar, the beautiful daughter of a one-eyed tailor called Aguilar, who, when a widow, married Juan Perez de Gama, a *conquistador.* This witness was asked if he was certain that Hernando Alonso had been one of the *conquistadores,* and he replied that he

> knew it very well, because he had seen him in the conquest, when he had hammered many nails into the brigantines which had been built to recapture Mexico, and he and others were lords of Actopan, which was now owned by Juan Guerrero.

The last witness called by Inquisitor Bonilla on August 5, 1574, was Melchor de Legazpi, the accountant of the royal exchequer, at that time thirty years of age. This witness was the son of Miguel Lopez de Legazpi, the conqueror of the Philippines, and he was asked if he knew of the whereabouts of the various *procesos* of the early heretics. He told the inquisitor that his father had had in his possession certain papers connected with the past trials, but that when he went to the western isles he had left them in the house of Pedro de Salzedo, a brother-in-law, who was now dead, which papers he had understood had all been taken to the Holy Office. The inquisitor told him to make further search, because there were many papers lacking on matters pertaining to the Inquisition, not only in the times of Bishop Friar Juan Zumárraga, but also in those of Friar Vicente de Santa Maria. Melchor de Legazpi promised to make further search, and with that the audience terminated and the enquiry closed.

The foregoing is all that the writer has so far found regarding the trial of Hernando Alonso; but the evidence seems to prove that he was a Jew, or of Jewish descent, and undoubtedly one of the first to suffer for his race and ancestral religion on the mainland of North America.

APPENDIX.

List of the Sambenitos of the Condemned Jews Placed in the Cathedral Church of Mexico between 1528 and 1603.[1]

In the City of Mexico on Thursday, the 16th, and Friday, the 17th of February, 1606, in fulfillment of what had been provided and ordered by the worshipful inquisitors, Licenciados Don Alfonso de Peralta and Gutierre Bernardo de Quiros in the official act of yesterday, Wednesday, the 15th of this present month and year, I placed the *sambenitos* of the condemned and reconciled offenders of this Holy Office, both the ones renovated and those newly painted, upon the wall which begins at the principal door of the cathedral church which faces the palace and ends at the altar of San Miguel, in the customary form and in the following manner:

1. Hernando Alonso, smith; born in the County of Niebla; resident of Mexico; Jewish heretic; condemned to the stake and burnt, year 1528.

2. Gonzalo de Morales, trader; born in Seville; resident of Mexico; of Jewish descent; Judaic heretic; condemned to the stake, year 1528.

3. Diego de Ocaña; scrivener; born in Seville; resident of Mexico; of Jewish descent; Judaic heretic; reconciled; year 1528.

5. Francisco Millan; tavern-keeper; born in Utrera; inhabitant of Mexico; of Jewish descent; Judaic heretic; reconciled year 1539.

35. Garcia Gonzalez Bermegero; born in the town of Albuquerque; resident of Mexico; of Jewish descent; Judaic heretic; condemned to the stake year 1579.

38. Francisco Rodriguez Matos; Portuguese; native of Benavente; resident of Panuco; of Jewish descent; Judaic heretic; dogmatist; deceased;' condemned year 1590.

39. Baltasar Rodriguez de Caravajal; son of Francisco Rodriguez Matos; born in Benavente; a youth; unmarried; resident of Mexico; of Jewish descent; Judaic heretic; dogmatist; a fugitive.

40. Doña Francisca Nuñez de Caravajal; wife of Francisco Rodriguez de Matos; Portuguese; native of Benavente; of Jewish descent; Judaic heretic; reconciled year 1590.

41. Doña Catalina de Leon; daughter of the aforesaid (Francisco Rodriguez de Matos); born in Benavente; resident of Mexico; of Jewish descent; Judaic heretic; reconciled year 1590.

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[1] Vol. lxxvii, Inquisition Records, A. G. N. The names of other persons punished by the inquisition during this period have been omitted.

42. Doña Mariana Nuñez; maiden, likewise daughter of the aforesaid (Francisco Rodriguez de Matos); born in Benavente; resident of Mexico; of Jewish descent; Judaic heretic; reconciled year 1590.

43. Doña Leonor de Andrada; likewise daughter of the aforesaid (Francisco Rodriguez de Matos); born in Benavente; inhabitant of Mexico; of Jewish descent; Judaic heretic; reconciled year 1590.

44. Luis de Caravajal; youth; unmarried; son of the aforesaid (Francisco Rodriguez de Matos); born in Benavente; resident of Mexico; of Jewish descent; Judaic heretic; reconciled year 1590.

45. Doña Catalina de Leon; wife of Gonzalo Perez Ferro; resident of Mexico; Portuguese; Judaic heretic; reconciled year 1590.

46. Doña Isabel de Andrada; widow; daughter of the said Francisco Rodriguez de Matos and Doña Francisca Nuñez de Caravajal; Judaic heretic; reconciled year 1590.

47. Gabriel Rodriguez; born in Cercedas in Portugal; trader in Zacatecas; of Jewish descent; Judaic heretic; reconciled year 1591.

48. Francisco Ruiz de Luna; born in Cordoba; residing in this New Spain; Judaic heretic; reconciled year 1591.

50. Julian Castellanos Obragero; resident of Mexico; Judaic heretic; reconciled year 1591.

51. Licenciado Manuel de Morales; Portuguese; doctor; resident of Mexico; of Jewish descent; Judaic heretic; condemned to the stake year 1593.

53. Doña Francisca Nuñez de Caravajal; wife of Francisco Rodriguez de Matos; born in Benavente; reconciled in the year 1590 but relapsing into Jewish practices was burnt at the stake in the year 1596.

54. Doña Isabel de Andrada; born in Benavente; daughter of the aforesaid Francisco Rodriguez de Matos and his wife; burnt at the stake for persistence in Jewish practices in the year 1596.

55. Doña Catalina de Leon; daughter of the aforesaid (Francisco Rodriguez de Matos) and wife of Antonio Diaz de Cazeres; burnt at the stake for persistence in Jewish practices in the year 1596.

56. Luis de Caravajal; a son of the aforesaid (Francisco Rodriguez de Matos) a youth; unmarried; a persistent dogmatist and Judaic heretic; burnt at the stake in the year 1596.[2]

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[2] The second *sambenito;* see No. 44. This youth has often been confused with his uncle, Luis de Caravajal, the Governor of Nuevo Leon, who was condemned by the Inquisition in February 1590 to be banished for six years from New Spain. See A. G. N. Inquisition Records, vol. mccclxxxvii. Transcript in possession of the present writer.

57. Miguel Rodriguez; brother of the last-named, and son of the aforesaid Francisco Rodriguez de Matos and Doña Francisca Nuñez; Judaic heretic; burnt in effigy in the year 1596.

58. Doña Leonor de Andrada; daughter of the aforesaid Francisco Rodriguez de Matos and Doña Francisca Nuñez de Caravajal and wife of Jorge de Almeida; resident of Mexico; incorrigible Judaic heretic; burnt at the stake in the year 1596.

59. Manuel de Lucena; Portuguese; born in San Vicente; resident of the mines of Pachuca; Judaic heretic; dogmatist; burnt at the stake in the year 1596.

60. Catalina Enriquez; wife of the said Manuel de Lucena; Judaic heretic; reconciled year 1596.

61. Leonor Diaz; born in Seville; wife of Francisco Rodriguez de Sa; Portuguese; resident of Mexico; Judaic heretic; reconciled year 1596.

62. Andres Rodriguez; born in Fondon in Portugal; trader; resident of Texcoco; Judaic heretic; reconciled year 1596.

63. Antonio de Morales; Portuguese; nephew of Licenciado Manuel de Morales, doctor, who was burnt in effigy; also burnt in effigy for Judaic heresy in the year 1596.

64. Doña Isabel Perez; wife of the aforesaid Manuel de Morales; Judaic heretic; burnt in effigy in the year 1596.

65. Antonio Rodriguez; deceased; Portuguese; youth; unmarried; born in San Vicente; Judaic heretic; burnt in effigy in the year 1596.

66. Antonio Lopez; Portuguese; born in Celorico; resident of Mexico; Judaic heretic; burnt in effigy in the year 1596.

67. Beatriz Enriquez la Payba, wife of Simon Payba; Portuguese; resident of Mexico; Judaic heretic; burnt at the stake in the year 1596.

68. Diego Enriquez, son of the aforesaid; Judaic heretic; reconciled, but lapsing into the same offence is burnt at the stake in the year 1596.

69. Pedro Enriquez, a youth; unmarried; brother of the last-named and son of the said Simon Payba and Beatriz Enriquez; Judaic heretic; reconciled year 1596.

70. Diego Lopez; born in the town of San Vicente in Portugal; youth; unmarried; Judaic heretic; reconciled in the year 1596.

71. Domingo Cuello; Portuguese; born in the City of Braga; Judaic heretic; reconciled year 1596.

72. Domingo Rodriguez; Portuguese; resident of Mexico; reconciled as a Jewish heretic but relapsing into the same offence was burnt in effigy in the year 1596.

73. Francisco Jorge; blind of one eye; born in Benavente; resident of Taxco; Judaic heretic; burnt in effigy in the year 1596.

74. Fabian Granados; born in Lamego in Portugal; Judaic heretic; burnt in effigy in the year 1596.

75. Francisco Vaez; Portuguese; youth; unmarried; servant of the aforesaid Manuel de Lucena; Judaic heretic; burnt in effigy in the year 1596.

76. Francisco Rodriguez; youth; unmarried; born in San Vicente in Portugal; Judaic heretic. Burnt in effigy in the year 1596.

77. Francisco Rodriguez, silversmith, alias Francisco Rodriguez de Cea; Portuguese; resident of Mexico; Judaic heretic; burnt in effigy in the year 1596.

78. Justa Mendez, daughter of Clara Enriquez; Portuguese; resident of Mexico; reconciled for Judaism; again reconciled for the same offence in the year 1596.

79. Juan Rodriguez de Silva; Portuguese; youth; unmarried; a resident of Mexico; Judaic heretic; burnt in effigy, in the year 1596.

80. Jorge Alvarez, son of Manuel Alvarez; trader; a resident of Mexico; born in Fondon in Portugal; Judaic heretic; reconciled year 1596.

81. Jorge Vaez; Portuguese; born in San Vicente; reconciled as Judaic heretic; year 1596.

82. Manuel Gomez Navarro; born in San Martin de Trevejos in Portugal; a youth; unmarried; Judaic heretic; reconciled year 1596.

83. Manuel Francisco de Belmonte; born in the town of Cuicillana in Portugal; resident of the mines of Sultepec; Judaic heretic; reconciled year 1596.

84. Violante Rodriguez, widow of Simon Gonzalez; born in the town of La Salceda in Portugal; Judaic heretic; reconciled year 1596.

85. Manuel Diaz; merchant; Portuguese, son-in-law of the aforesaid Violante Rodriguez; resident of Mexico. Burnt at the stake for persistency in his errors as Judaic heretic year 1596.

86. Manuel Rodriguez; born in Fondon in Portugal; Judaic heretic; reconciled year 1596.

87. Miguel Hernandez; Portuguese; unmarried; born in the City of Viesco; Judaic heretic; burnt in effigy in the year 1596.

88. Pedro Rodriguez; born in Fondon, in Portugal; Judaic heretic; reconciled year 1596.

89. Doña Mariana Nuñez; maiden; born in Benavente; daughter of the aforesaid Francisco Rodriguez de Matos and his wife, Doña Francisca Nuñez de Caravajal. Reconciled for Judaism, but relapsing into the same offence was burnt at the stake in the year 1601.

91. Andres Nuñez, a youth; unmarried; Portuguese; born in Mogodoric; resident of Mexico; Judaic heretic; burnt at the stake in the year 1601.

92. Antonio Machado; tailor; deceased; born in the City of Lisbon; resident of Mexico; Judaic heretic and dogmatist; burnt in effigy in the year 1601.

93. Alvaro de Carrion; born in Cervera de Rio Pisuegra in Castille. Judaic heretic; reconciled year 1601.

94. Alvaro Rodriguez Achocado; Portuguese; resident of Mexico; Judaic heretic; burnt in effigy in the year 1601.

95. Antonio Diaz Marquez; trader; native of Alvala, near Lisbon. Judaic heretic; reconciled year 1601.

96. Alvaro Gonzalez; born in Fondon; resident of Mexico; Judaic heretic; burnt in effigy in the year 1601.

98. Blanca de Morales, wife of Pedro Hernandez; Portuguese and sister of the aforesaid Manuel de Morales; Judaic heretic; burnt in effigy in the year 1601.

99. Cristobal Gomez; born in the village of Escarigo in Portugal; resident of Mexico; Judaic heretic; burnt in effigy in year 1601.

102. Jorge Rodriguez; Portuguese; born in Seville; Judaic heretic; reconciled year 1601.

103. Diego Lopez Regalon; born in Fondon in Portugal; resident of Mexico; Judaic heretic; burnt in effigy in the year 1601.

104. Doña Ana de Caravajal, maiden; daughter of the aforesaid Francisco Rodriguez de Matos and Doña Francisca de Caravajal his wife; Judaic heretic; reconciled year 1601.

106. Francisco Rodriguez; shoemaker; resident of Mexico; born in the town of Certan in Portugal; Judaic heretic; reconciled year 1601.

109. Gonzalo Perez Ferro; Portuguese; born in the town of Villaflor; resident of Mexico; Judaic heretic; reconciled year 1601.

110. Isabel Clara; Portuguese; wife of Francisco Hernandez, brother of the aforesaid Licenciado Manuel de Morales, doctor; Judaic heretic; burnt in effigy in the year 1601.

119. Ines Fernandez, wife of Francisco Alvarez and sister of the aforesaid Manuel de Morales; Judaic heretic; burnt in effigy in the year 1601.

120. Jorge Diaz; silversmith; Portuguese; resident of Mexico; Judaic heretic; burnt in effigy in the year 1601.

121. Juan Rodriguez; soapmaker; Portuguese; inhabitant of Mexico; Judaic heretic; burnt in effigy in the year 1601.

125. Leonor de Cazeres, Portuguese; daughter of the aforesaid Antonio Diaz de Cazeres and of Doña Catalina de Leon his wife. Accused of persistence in Judaic practices; reconciled year 1601.

127. Luis Diaz, silversmith; Portuguese; resident of Mexico; Judaic heretic; burnt in effigy in the year 1601.

129. Manuel Tavares; Portuguese; born in the town of Cuvillana; resident of Mexico; Judaic heretic; reconciled year 1601.

130. Manuel Alvarez; merchant; Portuguese; born in Fondon; inhabitant of Mexico; Judaic heretic; reconciled year 1601.

131. Manuel Gomez Silberna; Portuguese; born in Moron; resident of the mines of Sultepec; Judaic heretic; reconciled year 1601.

134. Pelayo Alvarez; Portuguese; born in Freixo de Espada Cinta; Judaic heretic; reconciled in effigy year 1601.

137. Simon Payba, deceased; Portuguese; husband of the aforesaid Beatriz Enriquez la Payba; resident of Mexico; Judaic heretic; burnt in effigy in the year 1601.

138. Simon Rodriguez, trader; native of La Salzeda in Portugal; resident of Mexico; Judaic heretic; reconciled year 1601.

139. Tomas de Fonseca; native of Viesco de Espada Cinta in Portugal; resident in the mines of Tlalpujahua; Judaic heretic; reconciled year 1601.

140. Tomas de Fonseca; a native of Viesco in Portugal; inhabitant of and miner in the mines of Taxco; Judaic heretic; burnt at the stake in the year 1601.

142. Clara Enriquez, a maiden; daughter of Manuel de Lucena; burnt at the stake for Judaism, and Catalina Enriquez, reconciled for Judaism. Reconciled for the same offence, year 1603.

144. Francisco Rodriguez de Ledesma; native of the town of Berrueco Pardo in the Bishopric of Salamanca; Judaic heretic; reconciled year 1603.

146. Rodrigo del Campo; public scrivener on the roll of Mexico; a native of the town of Quintanar; Judaic heretic; reconciled year 1603.

The witnesses were Don Alonso Alvarez de Caldas, Chief *Alguacil* of this Holy Office; Pedro de Fonseca, Notary of the Secret Chamber; Juan Salzedo, master carpenter, who hung the said *sambenitos;* and many other persons, to which I certify.

Pedro de Manozca [Rubric].

A JEWISH VOICE FOR PEACE IN THE WAR OF AMERICAN INDEPENDENCE.

THE LIFE AND WRITINGS OF ABRAHAM WAGG, 1719-1803.

By Cecil Roth, Ph. D.

American Jewry has dedicated the present year of jubilee, 1926, to do honor to the memories of those of its pioneers who shared in the struggle for the independence of their country in the great conflict which began one hundred and fifty years ago. Very rightly, there is to be associated in this commemoration that not inconsiderable section which, following the dictates of its conscience, remained loyal to the mother country and suffered for her. There is another attitude, however, which deserves honor perhaps more than either of these. In time of war, it is easy enough to be a partisan: it is difficult, indeed, not to be. A part more difficult by far is that of one who works for peace—a nobler function, not less heroic and certainly more Jewish, than that of the man of war. Such figures were none too common in America at the time of the Revolution; and no Jew has hitherto been known who took up this essentially Jewish attitude. It is such a figure to which it is here desired to give belated recognition. Abraham Wagg was an English-born Jew living in New York who, retaining to the full his admiration for British qualities without losing his sympathy for American wrongs, attempted in his own way to bring about an understanding between the land of his birth and that of his residence. His methods were clumsy and over-pretentious. But at the same time he displayed a depth of conviction that commands respect: and he was able to realise one outstanding fact which escaped the greatest statesmen of the age on either side of the Atlantic—that, in spite of momentary differences, there was that in

common between England and America which must in the end overcome the breach caused by war or even by political separation. In the thick of battle the fate of the mediator is necessarily suffering and neglect; and it was followed in the present case by the most utter oblivion. Time has indeed brought its compensation in the partial fulfilment of the hopes and ideals of this forgotten figure of the eighteenth century, showing that he had inherited something of the spirit of the ancient Hebrew seers and sages. It is with a feeling of pride that I present here for a tardy appreciation this early and unrecognised Jewish prophet of the essential brotherhood of the English-speaking peoples.

The Wagg family, like many others of distinction in recent Jewish history, originated from the ancient community of Frankfort-on-Main. Here there arrived in the fifteenth or early sixteenth century a household which had found refuge for a short time in the township of Boppard, near Bacharach, on its escape from its original home of Weinsberg in Swabia. Its members are therefore met with under all of these three names—Boppard, Bacharach, and Weinsberg. The earliest known member was Elkan of Boppard, who resided in 1516 at the sign of the kettle, on the east side of the *Judenstrasse* in Frankfort. His great-grandson, Phaibush Uri Bacharach, took up his abode about 1565 at the sign of the golden scales, on the opposite side of the *Gasse;* and so, in order to distinguish them from the other branches of the family, his descendants became known as Bacharach *zur Waage,* contracted into Waage-Bacharach, or Waag (the analogous case of the Rothschild family, called after the sign of the red shield, will come readily to mind). Moses Waag, the son of Phaibush, was long remembered for his piety in the Frankfurt community: and it is from his three sons, Phaibush, Gumprecht (Ephraim) and Elkan, that the later family was descended. It had already, however, reached the zenith of its reputation. The seventeenth and eighteenth centuries witnessed a steady de-

cline: and, by the third decade of the nineteenth century, it had completely died out in its native city.[1]

A branch had already, however, been thrown out on the other side of the North Sea: for the Frankfort diaspora had already commenced. Toward the end of the seventeenth century, German immigrants commenced to follow upon the trail which had been blazed out by the Portuguese Marranos under the Commonwealth, and to settle in England. The majority of the newcomers were from Hamburg; but among them were two brothers, Moses and Meir Wagg (it was this spelling which was usually adopted in the English-speaking countries). It is to be imagined that they were the sons of a second Moses Waag, son of Phaibush, after whom the latter was probably named.[2] As early as 1708, Moses Wagg (alias Benedict) had elected to be fined rather than serve in the semi-religious office of Collector of the Poor for the parish of St. Catherine Creechurch: though he was not well-to-do, and had to postpone payment until the following year.[3] Some time later, an enterprising but unscrupulous attempt to restore his fortunes at the expense of the Bank of England led to his hurried return to his place of origin, his extradition from which (unsuccessful in the result) became for some time a minor international question.[4]

[1] Alexander Dietz. *Stammbuch der Frankfurter Juden,* Frankfort, 1907, pp. 19, 40, 313, 479. The epitaphs of some of the family may be found in Horovitz, *Inschriften des Alten Friedhofs . . . . zu Frankfurt,* Frankfort, 1901.

[2] Phaibush (Phoebus) was used as homonym of Uri, and could serve equally well for Meir—"the radiant."

[3] See Churchwarden's accounts of the parish of St. Catherine Creechurch, London, MS. in the Guildhall Library, *ad annum* 1705, fo. 263. "In nomination for collector for the poor . . . . Moses Wagg. . . . ." *Infra:* "The s^{d} M^{r} Jacob Wagg (*sic*) appeared, was excused this year on his promise to pay the fine next year. . . . ." I owe this reference to the kindness of Mr. Wilfred Samuel.

[4] For this information as well as for much else that occurs here, I am indebted to Mr. Lucien Wolf.

The other brother, Meir, had a more respectable though less prominent career. He lived in the adjacent parish of St. Catherine Coleman, where his name is found in the accounts for 1723-4.[5] He had the good fortune to secure as his bride Zipporah, sister of Moses Hart, a prominent financier in his age and founder of the Great Synagogue in London. It may be imagined that he was one of the business satellites of his wealthy brother-in-law, just as the latter had been of his yet greater cousin, Benjamin Levy. In communal life, certainly, part of his kinsman's prominence devolved upon him, and Uri Phoebus, the magnate's learned brother, counted upon his support in his great struggle in the Rabbinate of the Ashkenazic community.[6] He had three sons—Abraham, David, and Hart (also known as Herman). The latter need not detain us, as he followed the inglorious example of his uncle Moses, coming into the public eye only at the time of his bankruptcy in 1759.[7] The second brother, David, "Gentleman, of London Wall," served for a considerable period with distinction as Commissary with the German mercenaries in the Continental wars of the eighteenth century, afterwards retiring to manage the affairs of his wealthy and eccentric cousin, Mrs. Judith Levy, "The Queen of Richmond Green."[8]

Abraham Wagg was apparently the eldest of the three brothers, having been born (almost certainly in London) in 1719.[9] The family register which he kept, written largely in

[5] See Churchwarden's accounts of St. Catherine Coleman (MS. in the Guildhall Library, London), vol. ii, fo. 200.

[6] Kauffmann, "Rabbi Zevi Ashekenazi and his family in England," in *Transactions of the Jewish Historical Society of England*, vol. iii, p. 106; *cf.* מעשה רב p. 6a.

[7] *Gentleman's Magazine*, 1759, p. 294: "*B—kr—ts*. . . . . Hermanus Waag, of St. Mary Axe, Merchant."

[8] See "Authentic Memoirs of Mrs. Levy, who was reckoned the Richest Woman of the Tribe of Judah, and a most Remarkable Character," in Granger's "New Wonderful Museum," London, 1803, pp. 397-402.

[9] In his "Family Memorandum" (see Appendix 1), there occurs, after the record of births, a number of dates in Hebrew—perhaps those

Hebrew, indicates that he must have had some sort of education in that language, though its manifold and glaring errors seem to suggest that he did not attain any high degree of proficiency. It is certain, however, from the same testimony, that he remained a loyal and conforming Jew—not, unfortunately, to be taken for granted in the Anglo-Jewish community even at this early date. As the eldest son, he seems to have been the favourite of his family, and three of his maiden aunts, sisters of his mother, as well as some of his relatives of the Franks family (memorable in the history of the Jews in America) remembered him in their wills.

Family tradition states that Meir Wagg was able to give Sir Robert Walpole effective assistance at the time of the South Sea Bubble, and that he was rewarded by a post in the American colonies at £100 a year—surely an inadequate recognition! It may have been in consequence of this that Abraham Wagg settled in New York, though no mention of him in that city is to be found earlier than 1770. He was apparently engaged in the business of wholesale grocer and chocolate manufacturer, unless the latter was a mere euphemism intended to conceal the less aristocratic nature of his real occupation. On July 4, 1770 he married Rachel, daughter of Mordecai Gomez, one of the foremost members of the Sephardic community in New York, by his second marriage with Rebecca de Lucena—both scions of families which had escaped from the fires of the Inquisition. Moses Gomez and Uriah Hendricks, brother and brother-in-law of the bride, witnessed the marriage contract and the supplementary conditions, or *Tannaim,* attached.[10] He was at this time forty-one

of the deaths of near relatives, or else family birthdays. Under the latter supposition, it may be imagined that the second entry (Sivan 25, 5469) gives the date of his own birth of which this was certainly the year.

[10] The originals are in the oldest register (MS.) of the Shearith Israel Congregation, New York, fo. 36. The signatures are Ab^{m} Waag, Moses Gomez, Jun^{r}., and אורי בר אהרן (Uriah Hendricks).

years of age: his wife, twenty years younger. The marriage was at least fruitful, though the mortality among the children was high. There were ten in all—five sons and five daughters, including one set of twins: but four of them—two of either sex—died in infancy. It is noteworthy that all of the sons but one, and two of the daughters, had names commencing with the letter M.[11] It does not appear that Wagg attained to any dignity in the Congregation: but he remained a regular and fairly generous contributor to its funds at least until the outbreak of the War of Independence.[12] When Harmon Hendricks, his wife's nephew, was born, he acted as godfather, and presented him with a silver mug which was handed on in a similar capacity time after time, and is now a treasured possession of a distant relative of the original recipient.[13] His

[11] See the "Family Memorandum" in Appendix 1. It is noteworthy that the dates of the births of his children given in the Register referred to in the preceding note differ by a day or two in almost every case from those given by himself—no doubt some time after the event. (*Ibid.*, fos. 38, 42, 43, 53.)

[12] See oldest account-book of Shearith Israel Congregation, New York:

5530 (1770)	Abraham Waag	£3″12″0.
5531		4″12″6.
	(Abraham Vaugh)	1″ 1″6.
		15″6.
		3″2 ″0.
5533		4″4 ″6.
5534		2″10″0.
		7″6.
5535		17″6.
5536		15″6.
		12″6.
5537		2″ 1″0.

I owe this note to the kindness of Dr. David de Sola Pool.

[13] This mug is now in the possession of Mr. Hendricks Nathan. The first of the several inscriptions on it reads: "Presented to Harmon Hendricks the 17 day of Adar, A. M. 5531 by his godfather, Abraham Waag." A note, in the hand of Jacques Judah Lyons is inserted at fo. 38 of the oldest register of the Shearith Israel Congregation to the

children were given a fair Hebrew education: indeed, it is significant that the note recording the death of his parents, presumably from the hand of his son Mordecai, is in a Hebrew far more accurate than that of which Abraham was himself invariably guilty. It is curious to note, too, that in the English portion the month *Shebat* is transliterated according to the Sephardic method of pronunciation employed in New York, which must therefore have been kept up by the family even after it left America.

The outbreak of the War found Abraham Wagg an established householder in New York, with two young daughters living and another child expected. While not by any means blind to the wrongs of the Colonies, Wagg seems to have felt a warm sense of patriotism towards the land of his birth, and to have recognized with pride the qualities of the English people. When, accordingly, on the occupation of New York by the British, the Congregation seceded almost in a body to Stratford, Connecticut, and then to Philadelphia, Abraham Wagg preferred to remain, although many English-born Jews figured prominently on the other side. It was not merely a question of sense of duty coinciding, as it so frequently does, with the interests of the moment: for his loyalist sentiments must have been well-known for him to have received, on October 10, 1776—within a month of the capture of the city—a safe-conduct from Sir William Howe, the commander-in-chief.

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following effect: "Mr. Abraham Wag was סנדק of Menahem son of Uriah Hendricks. He presented a silver mug to his grandson (*sic*) on the day of his ברית. Menahem or Harmon Hendricks gave this mug to his grandson and godson Uriah Altamont afterward called Isaac son of Henry Hendricks. Isaac Hendricks in his turn gave said mug to his Godson Benjamin son of Harmon Nathan on Monday יום 9 May 29 5631, 1871, more than 100 years after 1st presentation. This mug was given by Benjamin Nathan to his brother Henry Hendricks Nathan son of Harmon Nathan and Miriam Hendricks daughter of Henry Hendricks."

Subsequently, he enrolled in the civic Militia, taking the oath of allegiance to the Crown on January 24, 1777.[14]

During the same period, he served in the voluntary fire patrol organised by the citizens of New York after the recent outbreak of incendiarism to fill an obvious gap in the civic organisation. One night, while on duty in this capacity, he met with a serious accident, which resulted in severe injuries to one of his legs. In spite of the expenditure of some hundreds of pounds on medical attention and advice, he was unable to secure any satisfactory treatment, and remained so lamed as to be unfitted for any active service. He was moreover drawing on in years. His trade must have suffered by the war, during which he had to reckon not only with the inevitable dislocation of commerce, but also with the withdrawal of many of his business associates and also, without doubt, a virtual boycott on the part of the patriots. The Jewish congregation, disrupted by the war, and with the vast majority of its members absent from the city, had almost ceased to function, so that the birth of those of his children who came into the world at this period was not so much as registered.[15] Any property that he possessed outside New York was liable to be confiscated for his loyalty to the British cause, and any goods consigned to him by sea had a good chance of being intercepted by the American privateers. By this time, too, he had commenced to despair of victory. As a final blow, a little son born at this period died before he was six months old. Accordingly, Wagg applied for permission to withdraw to England, for which he sailed in the middle of 1779 with his wife, three children, and a serving maid, in the fleet going to Cork.

Upon his arrival on the other side of the Atlantic, he settled at Bristol—very likely the port of disembarkation, from

[14] See "The Memorial of Abraham Wagg," Appendix 2.

[15] See oldest register of Shearith Israel Congregation (MS.) fo. 53. "The American Revolution prevented any further Register being correctly taken from this time."

which he could not move without inconvenience owing to his lameness. There was already established here a Hebrew congregation, which without doubt added to its amenities in his eyes.[16] He remained accordingly in this city for the rest of his life, residing for a good part of the time (if not for all of it) at 22 Charles Street.[17] Here five of his children, of whom three survived, were born. He remained apparently in close contact with American affairs, and was in correspondence with some relative or acquaintance in Philadelphia. For a time, he continued to cherish the hope of recovering the property which he had left behind. But, with the signing of the Peace of Versailles (abandoning, as the Opposition said, those who had shown their fidelity to the British crown) all prospect of this was at an end. Wagg, like many other loyalists, found himself reduced to penury. At this stage, his affluent kinswoman, Mrs. Judith Levy, came to the rescue. She was a daughter of the wealthy Moses Hart, Abraham Wagg's uncle, and widow of the heir of the still more wealthy Benjamin Levy. Her riches and her character secured her admittance to the best London society, and to the privilege of playing (and the initial slip of the pen which here originally wrote *paying* is not perhaps far wrong) at half-guinea picquette with the Countess of Yarmouth and other of the aristocracy; but family tradition still weighed with her so much that she rebuilt the Great Synagogue which her father had founded. As

[16] A Jewish community was established in Bristol in the middle of the eighteenth century. The British Museum contains the copy of a pamphlet חנוכת הבית, being the order of service at the dedication of the new synagogue on Friday, Ellul 22, 5546, 1786. It was constructed at the expense of the *Parnass,* Eliezer b. Jacob (probably identical with the Lazarus Jacobs of Wagg's petition) who, after the recital of the afternoon service in the old building "stood and anulled its sanctity in the presence of the whole Congregation" who then proceeded, two by two, to the new place of worship.

[17] His name is found in the local directories as resident at this address from 1792 to 1801 (information of City Librarian, Bristol).

has already been stated, she took into her house as confidant and administrator her cousin David Wagg, Abraham's brother. In her bounteous charities, which were reckoned to amount to upwards of £1,000 a year, the kinsman who had suffered for his loyalty could naturally expect some remembrance: and so, for some time to come, Abraham Wagg and his growing family were supported by her generosity.[18] But, on January 18, 1803, at the ripe old age of 97, the "Queen of Richmond Green" died. She was intestate, and her property was inherited, together with an interminable law-suit, by her kinsman John Franks, also half an American. Nothing was left for Abraham to do but to follow her example, which he did with commendable promptitude on April 27 of the same year at the age of 84. Six years later, on January 22, 1809, he was followed to the grave by his wife, in her sixty-first year. Of their children, some remained in Bristol, and their descendants became swallowed up in the general population. The youngest son, Matthias, became associated with the Rothschilds; and his family played for some time an honorable part in London communal life. Mordecai, the oldest surviving son, had been born in America during the war, and the country still possessed an attraction for him. He therefore again crossed the Atlantic, and settled in Charlestone, South Carolina. In the war of 1812, a Major M. G. Waage of that city served with distinction against the British.[19] Nothing more can be needed to atone in American eyes for his father's attitude. From the military point of view, the honors are easy!

[18] Granger, *supra.*

[19] *Publications of the American Jewish Historical Society,* No. 12, p. 164: No. 26, p. 191; Heitman, "Historical Register and Dictionary of the United States Army," Washington, 1903, pp. 77, 103, 113, 133, 156, 991. Family tradition, garnered by Mr. Lucien Wolf, gives the name of the son who emigrated to Charleston as Marcus Augustus. I should here mention that it has been possible to find no record of Abraham Wagg in the old Bristol burial ground, where a large number of the stones are absolutely illegible.

But it is not in the mere record of his personal history that the interest of Abraham Wagg now lies: though it is not without its importance to discover a new and distinct personality in early American Jewish life. Yet he was something more than a loyal grocer. He was an amateur politician, with ideas and ideals beyond the every-day round of trade: and (let it be added) he felt no reluctance in putting his views forward, and no shame in proclaiming the fact. After the conclusion of peace with the new-born United States, a commission was appointed by Act of Parliament

> to enquire into the Losses and Services of all such Persons who have suffered in their Rights, Properties and Professions during the late Unhappy Dissensions in *America* in consequence of their Loyalty to his Majesty, and Attachment to the *British* Government.

As was to be imagined, Abraham Wagg put his case forward for consideration: for (as he pleaded)

> in consequence of his attachment to the British Government . . . . he became obnoxious to the American States, liable to their acts of prescription, suffered very great losses, and was reduced from affluence to mere penury by the confiscation of considerable property he was possessed of in America.

Bamber Gascoyne, one of the Lords of the Admiralty and member of Parliament, was interested on his behalf, and tried to enlist the sympathy of the Earl of Hillsborough, formerly Secretary of State for the Colonies, of Mr. Epean, Lord Shelburne's secretary, and of other prominent personages. Since owing to his physical condition, Wagg was unable to come to London to present his case in person, Solomon Henry, of 6 New Basinghall Street (a well-known Jewish worthy of his day) acted on his behalf. It was impossible, however, to secure any documentary evidence as to the extent of the losses involved. The case dragged on therefore for at least three years, from 1784 to 1787. Nothing occured in the meantime to qualify Wagg's plea that he was advanced in age and very infirm: that for a prolonged period he had been dependent,

with his wife and five children, upon private benevolence: and that he was unable to attend in person owing to his infirm health and poverty. Lazarus Jacobs, apparently the warden of the Bristol community, forwarded a certificate testifying to his character. John Westkett, Director of the Chamber of Commerce, Cornhill, professed that he was willing to attend in his place: his brother, David Wagg, added his efforts.[20] But, unsupported by corroborative evidence, the case remained a weak one. In consequence, Wagg had the inspiration of trying to strengthen it by forwarding copies of a couple of memorials containing suggestions for the conduct of affairs which he had presented to the responsible authorities during the course of the war. It is to this perseverance that we owe our knowledge of the political interests and activities of this courageous and neglected Jewish idealist.

The first half of the year 1778 had been one of the darkest periods in English history. Burgoyne had surrendered with his army at Saratoga in the previous October—not merely a military disaster of the first magnitude, but also a moral blow of peculiar ignominy. This led almost immediately to the conclusion of a commercial treaty between the Americans and France, which was followed within a few weeks by a declaration of war by that ancient enemy of Great Britain—obviously to be followed before very long by Spain. In June, Clinton was compelled to evacuate Philadelphia within a month of the *Meschianza* at which Rebecca Franks had been so prominent a figure. Meanwhile, on February 17, Lord North had provided a sensation in English politics by carrying through the House of Commons a series of conciliatory resolutions which, a couple of years earlier, would have obviated the conflict. The act remodelling the constitution of Massachusetts and the tea duty,

[20] MS. letters and correspondence of August and September 1787 in A. O. 13/79 in Public Record Office, London. The more important petition of March 16, 1784, with its numerous biographical details, is printed among the documents in Appendix 2.

which had been the main grievances of the colonies, were both absolutely and unconditionally repealed. Parliament formally promised to impose no taxes upon the colonies for the sake of revenue: while what was raised in the process of the regulation of commerce was to be applied to local public services and at the instance of the colonial legislatures. It was enacted also that commissioners should be sent out to America to negotiate peace, with full power to treat with Congress, to proclaim a cessation of hostilities, to grant pardons, and to suspend the operation of all Acts of Parliament relating to the Colonies passed since February 1763.[21]

Congress, however, was in the hands of the extremists: and, fortified by the news of the evacuation of Philadelphia, they unanimously resolved that they would refuse to discuss peace without the preliminary recognition of their independence, or else the total withdrawal of the British forces from their territory.

At this stage in the proceedings, Abraham Wagg put forward his suggestions in a lengthy document addressed to the three commissioners for restoring peace. It was presented anonymously, in the name of "A Friend to Great Britain and America"—seemingly, as the author admitted, a paradox. But the pseudonym was justifiable. Wagg fully realized that military success in America was now hardly likely. The colonists had proved themselves able soldiers, and had shown a solidarity and an enthusiasm hitherto unsuspected. Moreover, they possessed in their negro slaves a reserve of man-power as yet virtually untapped (it is known, by the way, how a newly-raised force of negroes did excellent service at the retreat from Rhode Island, and how Wagg's forecast thus ultimately proved true.[22]) Even though a military victory should at last be

[21] *Cf.* Lecky, "History of England in the Eighteenth Century," vol. iv, p. 75 *et seq.*

[22] See George H. Moore, "Historical Notes on the Employment of Negroes in the American Army"; Lecky, p. 96.

secured, a force of upwards of 100,000 men—obviously an impossible figure—would be needed to keep the colonists down. On the other hand, with the progress of the war, the foreign situation was becoming more and more threatening, and utter disaster seemed to be imminent. Spain, bound to France by the Family Alliance and with multitudinous old scores to settle, would be certain to range herself ultimately with the enemies of England. The Dutch, whose mercantile interests had been trampled underfoot in this war as in so many others by the rigorous enforcement of the British blockade, would follow suit. To the loss of the revolted American colonies, there would inevitably succeed that of Jamaica with the West Indies and Florida, as well as a determined attempt to regain Gibraltar and the continued decimation of the English shipping by American privateers. Wagg could assure the plenipotentiaries, from private information, that the demand for independence would never be abandoned. To the dangers which were imminent from European enemies there was therefore no remedy but one—to bow before the inevitable and to recognize *de jure* (as, by the mere fact of the delegation of the present commission, had already been done *de facto*) the independence of the American colonies. The memorial suggested that the British troops, including the newly-raised Loyalist levies, should be withdrawn from their present point of concentration about New York and Rhode Island and sent to cover Canada and the adjacent parts to the North, and—more particularly—Barbados and St. Kitt's in the West Indies. Upon the basis of this withdrawal, peace should be negotiated with the Colonies under the guarantee of Holland and Spain, whose potential enmity would thus be obviated. In case difficulties should still be found in the way of securing a general settlement, the force available in the West Indies would be ample to conquer the French and Spanish islands and to ravage their shipping. Thus, while chastising her traditional enemies for their perfidy, England would be saved from the

danger of an utter debacle in her war on the American continent, and the loss of her valuable possessions in the West Indies. Above all, once the independence of the Colonies was realized, the Americans would naturally become the closest and most devoted allies of the Mother country, united to her as they were by ties of blood, language, and religion.[23]

These proposals whether politic or not were certainly premature. The British plenipotentiaries actually made an offer of complete liberty of internal legislation as well as representation in the English Parliament, coupled with a promise that no European troops would be henceforth sent to America without the permission of the local assemblies. Yet this was far in excess of their mandate: and, the composition of the home government being as it was, it is doubtful whether even this accommodation could actually have been carried through, even if it had gained acceptance from the Americans. George Johnstone, a former governor of Florida and the most sympathetic among the commissioners to the American cause, committed the blunder of making personal overtures to individual members of Congress, in the hope of securing their cooperation: but his intervention failed, and after much dispute, he withdrew from the Commission. His two colleagues, the Earl of Carlisle and William Eden, finding their offers rejected, published in the October following a manifesto appealing from Congress to the people, offering to come to an accommodation with individual states, and threatening the prosecution of the war with added severity in case of contumacy. It does not appear therefore that Wagg's memorial had any concrete result, excepting perhaps if it confirmed the Commissioners in their impression that Congress was not really representative, and that there existed a body of more moderate opinion which it might be possible to exploit. But, even if they had been more sympathetic to his views, they had no authority to carry them

[23] See the "The Sentiments of a Friend to Great Britain and America," of August 22, 1778.

into effect: and, in the state of opinion which at that time prevailed at home, where the "King's Friends" and the Bedford faction were almost omnipotent in Parliament and in the Government, any settlement such as he envisaged was out of the question for a long time to come.[24]

The years that followed brought ample confirmation of Wagg's forecast of the political situation—obvious enough, it must be admitted. As he had anticipated, Spain was not long in following France into the war. The inevitable dispute about the application of the naval blockade and the doctrine "free ships, free goods" made Holland follow suit before long, and led to the formation (not envisaged by Wagg or by anyone else) of the armed neutrality of the northern powers. Nearly all of the British West Indies were lost, with the exception of Jamaica and Barbados, in addition to Florida. Minorca was recaptured by the Spanish, who laid violent siege to Gibraltar.[25] Meanwhile, in the main theatre of war, the surrender of Cornwallis at Yorktown amply counterbalanced any minor successes which had been gained earlier in the campaign. All was just as Wagg had foreseen, excepting for Rodney's brilliant victories at sea and for the unexpected success of the defence of

[24] Lecky, pp. 78-9.

[25] Both of these events are of some importance in Jewish history. The Jewish refugees fleeing from Gibraltar before the Spaniards formed a noteable acretion to the Sephardic community of London, of which they changed the Marrano composition which had previously predominated.—At Minorca, during the half century of British rule, a thriving Jewish settlement had established itself—the greatest of all testimonials to tolerance. Immediately after the recapture of the island, they were deported *en bloc* to the number of some 500, many being taken, against their will, to Avignon; *cf.* Lewinsky's excerpts from the *Privilegirte Hildesheimische Zeitung* in *Rivista Israelitica,* vol. v, pp. 103-4. It was in the course of an attempt to discover traces of the Jews and *Chuetas* (crypto-Jews) in Minorca under the British rule in the Public Record Office, London, that I had the good fortune to stumble upon the documents concerning Abraham Wagg.

Gibraltar. But the accuracy of his prognostication can only have been a melancholy satisfaction for the amateur politician. In the meantime he had seen his trade dwindling, had been lamed as an indirect result of the war, and had been forced to leave New York for England. This, and the added bitterness which had been introduced in the conflict in its last years, may account for the gloomier and harsher tone of his second set of proposals for a separate peace with America, which he submitted to Lord Shelburne, the new Prime Minister (this time, in his own name) in the early part of 1782.

The "Private Suggestions on a plan to dissolve the Connection of America with France" were based upon the same idea as the proposals of 1778, though not so optimistically or so forcibly expressed. Wagg was still confident that, in spite of six years' war, the majority of the inhabitants of the American colonies were more inclined towards England than towards any other power. They would not indeed submit to her suzerainty. But once peace was signed, she could count upon them as her friends and supporters. Only that comparatively small section which controlled Congress remained rabidly anti-British and in favor of the French alliance. To the majority of the country, this was unnatural and obnoxious, in view of the profound differences of race, language, religion, and habits. The Puritan element dreaded the advances of Papistry.[26] The politic feared the concessions which France might demand at the end of the war, and which might lose them two states out of the thirteen. The army was on increasingly bad terms with the French troops, and jealous of the praises diplomatically lavished upon them by the Commander-in-Chief and by Congress. All parties resented the heavy burden of taxation. A war against their own kindred, and in the company of such allies, was accordingly becoming more and more unpopular.

[26] *Cf.* Chatham Correspondence, vol. iv, pp. 454-457: "America and France cannot be congenial: there is something decisive and confirmed in the honest American that will not assimilate to the futility and levity of Frenchmen. . . . ."

To break up the Franco-American alliance would therefore be easy: all that was required was to make overtures for peace. To expect the Americans to do this, and thereby to run the risk, in case of rejection, of the estrangement of their allies and the ridicule of the civilised world, was out of the question: the first step must lie with the British government, who should realize that reconquest was by now improbable in the extreme. As a preliminary step, the independence of the United States should be provisionally acknowledged. This should be followed by a cessation of hostilities on both sides, each party keeping in the possession of the territories at present in its possession until the ratification of peace. It should be noted, by the way, that Wagg was of the opinion that Parliamentary assent was essential to the recognition of independence: though it is hard to say whether this was due to advanced democratic theory or to mere ignorance of constitutional practice. The permanent settlement should be negotiated by three, or thirteen, ambassadors plenipotentiary in London.

The advantages which the amateur diplomat envisaged were subtle. He did not believe that Congress, dominated as it was by the war party, would readily consent to make a separate peace without consulting the interests of their allies. The result of their refusal would be to convince the English people of their unreasonableness, and to encourage them to prosecute the war, if the need arose, more resolutely. At the same time, it would drive a wedge between Congress and the more reasonable elements which were uppermost in the country as a whole: for nine persons out of ten, as he conjectured, while not willing to forgo independence, felt themselves crushed by the burden of war taxation and depreciated currency, were violently opposed to the French alliance, and longed for nothing so much as a reasonable peace. The army itself, in his opinion, was more friendly to the British than any other sec-

tion of the population, being weary of the war and jealous of the French. These two elements, combined with the considerable substratum of loyalists who were at present unable to raise their head, would carry all before them if they were given the chance and would force upon the Congress the acceptance of any reasonable terms. Thus the alliance against England would be broken up, and at the same time the Americans would be afforded an opportunity of giving tangible expression to their inherent sympathy with the mother country. Wagg was indeed of the opinion that, with their cooperation, there might be formed a "federal alliance" which would compensate in part for the concession of independence. In the event of the British overtures encountering a definite refusal, there could be no doubt that grave dissensions would be introduced among the Americans, and that the hands of the moderate anti-Congressional party would be immensely strengthened. In the end, the Continental Army itself might commence to disintegrate. Ultimately, should the French alliance and the authority of Congress be discredited, the majority of the American people might be willing to conclude peace upon much more moderate terms.

In submitting these two memorials in support of his claim for compensation, Abraham Wagg had displayed a childish optimism. It is true that he had not spared references to the "ingratitude" and "dangerous attempts" of the Americans. But not even the Whigs who had by now come into power in England would have endorsed the phraseology of his otherwise impeccable sentiments that

> America may forget and now cease to suspect a set of men that would have exhausted all the stores of intrigues and violence to deprive her of her rights

or that she might

> forgive all the injuries and cruelties of Britons.

Moreover, his proposals were all for reconciliation rather than for victory: and only in an age of millenium may it be

expected that this will serve as an adequate ground for governmental sympathy and official recompense at the close of an unsuccessful war—especially when (as in the present case) the claimant is unable to bring documentary evidence for the extent of his losses. In consequence it is hardly to be wondered at if the name of Abraham Wagg does not appear to figure in the accounts of the commissioners among those whose claims were recognised and whose losses were in some part made good. He went to his grave still apparently dependent upon the charity of his wealthy kinswoman and without having received any official recognition of his exertions and his sufferings.

It cannot be imagined that Abraham Wagg's amateur excursions into international politics can have had any great influence on the course of events. Nevertheless, it would seem that they attracted a certain amount of attention in responsible circles, as appears from the fact that he was requested for further information with regard to a couple of points in his second memorial. In reply he gave some information about the state of affairs in Philadelphia, where he affirmed that peace overtures were then confidently expected by all parties.[27] It would be too much to say that his views had any influence upon the conduct of public policy. Nevertheless, events followed closely upon the lines which Wagg had anticipated. It was precisely the fermentation of the disaffection against the French which led to the development of a more pacific spirit in the American government; and this was brought to a head by the wretched condition of the army and the intrigues of the loyalists, leading to the preliminary articles of peace of November 30, 1782, and to the tardy recognition of independence on the part of the British government on November 5. Even so, as Wagg had anticipated, Congress might have remained obdurate but for the growing discontent in the army, which forced it to agree to the definite cessation of hostilities in the following April.

[27] See letter of July 6, 1782 appended to the "Private Suggestions on a Plan to Dissolve the Connections of America with France."

But it was in the more remote outcome that Abraham Wagg showed himself truest in his predictions, and it is with regard to this that he deserves recognition here and hereafter. He was among the very earliest of the prophets of Anglo-American friendship, which he had the courage and the conviction to preach amid all the passions stirred up by the war. It was this, in his view, which would be the natural and inevitable outcome of a negotiated peace. The English and the Americans were of the same race, the same language, the same religion. The very fact of the latter's resistance to oppression was testimony to their essential Englishry. The two peoples enjoyed a community of sympathies and of interests: and, once the inevitable independence of the colonists was recognised, they would automatically become the closest allies of the mother country. It is in his insistence on this point that Wagg's political writings have their greatest importance: for the obscure Jewish tradesman of foreign extraction was able to realise what the greatest statesmen of his age, on either side, utterly ignored.

The Americans say they have raised independence upon the pillars of freedom, they have purchased it at so high a price as the loss of one hundred and three thousand lives who have bled in the cause of freedom—a virtue known to few but British subjects. Their towns have been burnt, their sea-coasts have been ravaged, they [have] been oppressed and distressed to every degree that human nature can suggest.

But nevertheless

the voice of the people now in arms in America and the Congress are for a perpetual alliance with Great Britain. . . . . As courage and generosity are naturally united. . . . . English blood flows in the veins of Americans, who will have honour, generosity, and gratitude to forget all past recent animosities that has divided the former connections that subsisted between Great Britain and America, and bury in oblivion the follies of the daughter with the cruelties of the mother. . . . . The majority of the inhabitants of North America are for independence, but wish and would prefer an alliance with Great Britain than with any power in Europe.

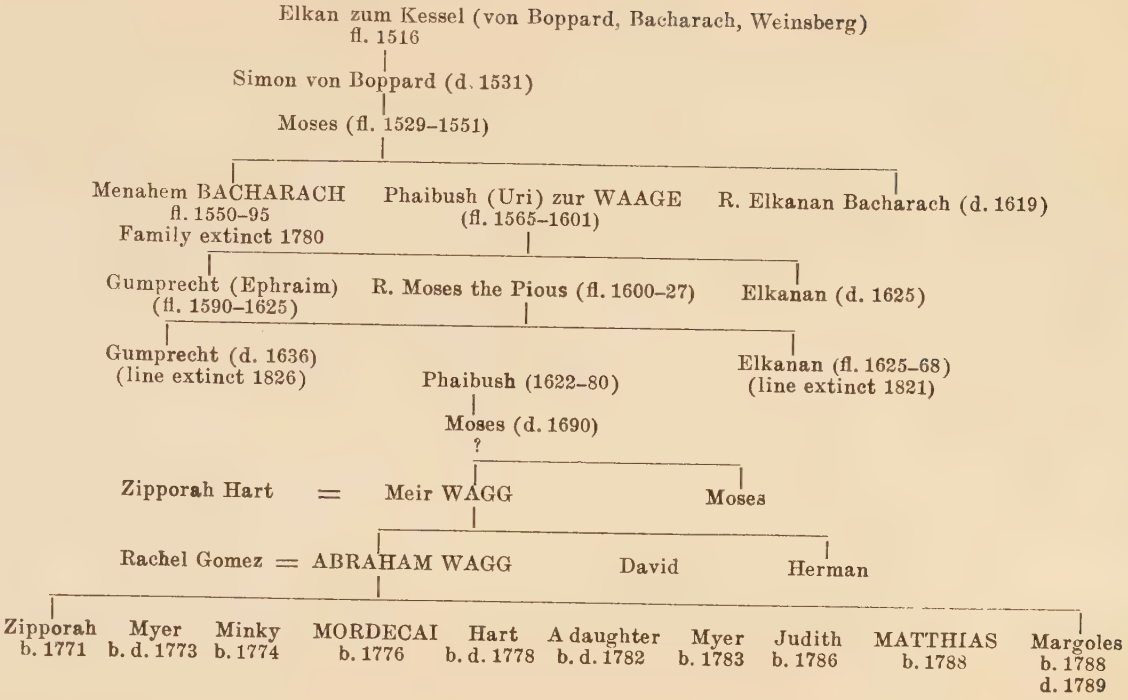
While on the other side

> Great Britain will derive more extensive and more durable advantages from such a natural alliance than from their former connections, when self-interested governors and placemen had in their power to cause feud and animosities. . . . . If such a natural treaty of alliance should take place, the Americans will then throw off the mask and tell France and Spain that the law of Nature and nature's God entitles America to enter into treaties and be perpetually allied with Great Britain by the nearest ties of consanguineity, being of the same religion, speaking the same language, and remembering the former intercourse of good offices &c.

The mother country and her reconciled daughter, in all of her new-won reputation for valour, would together be a match for any four nations in Europe.

That Abraham Wagg's proposals had any real influence upon the course of events is (as has been indicated) hardly to be imagined. The spectacle of the humble tradesman presuming to advise the statesmen to whom the destinies of his country were entrusted might indeed seem ludicrous: and his ideas of diplomatic procedure were certainly primitive. But there is nevertheless an element of real importance in these memorials. In the full tide of war, when both sides were embittered by the protraction of the struggle and smarting under a sense of defeat or humiliation, it needed courage and foresight to proclaim that in spite of all there exists something in common between England and America which not even war or the blunders of statecraft can materially affect, and which not even separation could efface. Surely there was some spark of the ancient Hebrew prophets in the man who could proclaim this at such a time! It is small wonder that he received no sympathy at the moment, that he was forced to leave America and found no appreciation in England. In this year of commemoration, it is fitting that at last some tribute should be paid to the memory of this, perhaps the greatest and surely the most Hebraic, of the Jewish heroes of the War of Independence.

THE WAGG FAMILY



Appendix 1.

THE FAMILY REGISTER OF ABRAHAM WAGG.

[From the original holograph, on a quarto sheet, in the possession of Mr. Lucien Wolf. Care has been taken to reproduce exactly the slovenly orthography and syntax of the original, rather than bewilder the reader by a succession of *sics.*]

זכרון של משפחתי

FAMILY MEMORANDUM.

ב" מ" ט

יום ד" י"א תמוז ת"ק"ל" לפ"ק.

fourth July 1770

מוצאי שבת. ליל ראשון של שבועות תקל"א. נולד ביטי ציפר. למ"ט"

Born 18th May 1771 Zipro, the Daughter of Abraham & Rachel Waag.

שבת קודש בהשכמה. פרשת תרומה ו" אדר תקל"ג נולד מאיר. ונפטר יום א". ד"ב" סיון ת"קלג.

the 27 february 1773. a son named Myer. who dyed 13th. June 1773.

שבת הגדול ערב פסח בהשכמה פרשת צו. נולד ביטי מינקי למ"ט בשנת ת"ק"ל"ד"

Born 25th. March 1774. my Daughter Minky.

יום ה" י"א שבט תק"לד נולד בני מרדכי יצ"ו למ"ט. הקב"ה יזכה אותי שיגדל אותו לתורה ולחופה אמן.

Born. 1rst february 1776. my son Mordica.

יום ב" י"א תמוז תק"לד נולד בן נפתלי הירץ ונפטר שבת קודש בהשכמה ד" טבת תק"לד.

Born 29th June 1778 a son named Hart, who dyed 26th December 1778.

עש"ק בלילה ד"א אלול תק"מב נולד לאשתי בת. ומת באותו יום בן מנחה ומוצאי שבת

Born 30th August 1782. at Night a daughter which died the day following

יום ב" בלילה ט"ז חשון תק"מד נולד בני מאיר יצ"ו: הקב"ה יזכה אותי שיגדל אותו לתורה ולחופה. אמן

Born 10th November 1783. my Son named Myer

יום א" ט"ז אייר תק"מו ג" שעה בצהרים נולד ביטי גיטלה: למ"ט

Born 14th May 1786. my daughter Judith

מוצאי שבת ו" חשון תק"מ"ט נולד לאשתי תאומים בתים בת שמה
מרגליות. נפטר י"ד טבת תק"מר ובן שמו מתתיהו יצ' הקב"ה
יזכה אותי שיגדל אותו לתורה ולחופה ולמעשים טובים אמן

Born 8th Novemr. 1788. Twins. a daughter Margoles. and a Son Mathias. Margoles. died 2th January 1789.

יום ד" ה" ניסן תס"ד לפ"ק

עש"ק פרשת אמר ה"איר תס"ד לפ"ק יום ה" ד" תשרי תע"ט לפ"ק
יום ב" ד"ה סיון תס"ט לפ"ק יום ח"י שבט תפ"א לפ"ק
שבת פרשת שלך לך כ"ו סיון תע"א יום ג" ד"ה איר תפ"ב לפ"ק
לפ"ק
שבת פרשת בלק ד"א תמוז תע"ג לפ"ק יום א" ער"ח שבט תפ"ח לפ"ק
ביום א" י"א אדר ראשון תצ"ד לפ"ק הלך לעולמו אבא מורי. יהי
נפשו צרורה בצרור החיים. עם שאר צדיקים בגן עדן. אמן
ביום ה" ז" אדר שני תק"ח לפ"ק. הלכה לעולמה אמי מורתי.
תהא נפשה צרורה בצרור החיים עם שאר צדקניות בגן עדן. אמן

(*verso*)

Abraham Wagg, the author of the within memno died Wednesday. the fifth of month אדר 5563 answering to the 27. April. 1803. Æ. 84. May his Soul. Rest in angelic Bliss.

Rachel Wagg Died 5 day Sebat 5569 answering to the 22 of Janr-1809 Wife of the above Abraham Wagg Æ. 60.

Appendix 2.

(Public Record Office, London, A. O. 13/79.)

MEMORIAL OF ABRAHAM WAGG.

To the Commissioners appointed by Act of Parliament for enquiring into the Losses and Services of the American Loyalists.

The Memorial of Abraham Wagg,
formerly of the City of New York, Manufacturer
of Chocolate

Sheweth

That your Memorialist having, a short Time after the Commencement of the Troubles in America, entertained Sentiments and taken a Decided Part in Favour of Great Britain, was early recommended as a Loyalist to the Protection of General Sir William Howe, as appears by the annexed Voucher of the 10th October, 1776, signed by his Excellency's Secretary . . . . marked A.

That your Memorialist's increasing Zeal in the same Cause induced him voluntarily to enter and serve in the Militia of the City of New

York, and to take Oath to bear Faith and true Allegiance to his Majesty King George the third, and to defend to the utmost of his power his Person Crown and Government, as p. annexed Certificate, signed by Governor Will[m]. Tryon, 24 Jan[y], 1777, ... marked B.

That your Memorialist, on the Arrival of his Majesty's Honorable Commissioners in America for restoring Peace, etc. did present to their Excellencies the important Informations and Intelligence dated New York the 22nd August, 1778, of which a Copy is annexed . . . . mark'd C.

Your Memorialist did also in the Year 1782 (after his Arrival in England) deliver to Mr. Epean, in order to be laid before Lord Shelburne, then Secretary of State, the annexed Plan, marked D.

That in Consequence of your Memorialist's Attachment to the British Government and Services as aforesaid, he became obnoxious to the American States, liable to their Acts of Proscription, suffered very great Losses, and was reduced from Affluence to mere penury by the Confiscation of considerable Property he was possessed of in America; and finally becoming Lame (as he still continues) at an advanced Age, and thereby unfit for further Military Duty, was obliged to quit New York, with his Wife and three Children, and embark for England; for which he had Lieut. Gen[l]. Jones's Permission, dated 1st July, 1779—annexed hereto— Mark'd E.

That under the abovementioned Circumstances, and not having yet been able to procure from America such authentick Documents of the actual Losses which have been sustained by your Memorialist as may be deemed requisite to prove the Value thereof which has been great (altho' he is still in Expectation of receiving the same)— and, besides, having expended several Hundred Pounds, in endeavouring (in vain) to obtain a Cure of his said Lameness, caused by Bruises he received, when he was one of the Night Guard, composed of Citizens and Inhabitants of New York, for preventing and discovering of Fires;—

Your Memorialist, therefore, can only further state, at present, that the Circumstances of his Case are known to Bamber Gascoyne Esquire, Mr. Solomon Henry Merchant in New Basinghall Street, and Mr. Solomon Schomberg Notary Public in

and have been by them some Time ago represented to the Earl of Hillsborough, as also to Mr. Epean as Secretary to Lord Shelburne, Lord Sydney, &c.

Your Memorialist therefore prays that his Case may be taken into your Consideration, in Order that your Memorialist may be enabled,

under your Report, to receive such Aid or Relief as his Losses and Services may be found to deserve.

Signed, for and at the Request of
the said Memorialist, Abraham
Wagg, now Resident at Bristol.

New Basinghall Street, no. 6.
London, March 16th, 1784.

SOLO. HENRY.

Annexes.

A. (Printed form filled in by hand.)

PROTECTION.

All Officers, Soldiers or Followers of the Army, are hereby strictly forbid to molest or injure Mr. Abraham Wagg—
Inhabitant of New York County in the Province of New York his Family or Property, as they will answer the same at their Peril.

Given at Head Quarters on York Island
this 10th Day of October, 1776
By Order of the Commander in Chief

ROBERT MACKENZIE
Secret^{y}.

B. (Printed form filled in by hand.)

I Do hereby Certify, that Abraham Wagg of the Militia of the City of New York, has in my Presence, voluntarily taken an Oath, to bear Faith and true Allegiance to His Majesty King George the Third;—and to defend to the utmost of his Power, His Sacred Person, Crown and Government, against all Persons whatsoever.

Given under my Hand at New York, this 24th Day of January in the Seventeenth Year of His Majesty's Reign. Anno. Dom. 1777.

WM. TRYON.

C. See "The Sentiments of a Friend to Great Britain and America."

D. See "Private Suggestions on a Plan to Dissolve the Connections of America with France."

E.

By the Commandant of New York &c.

Permission is given to Mr. Abraham Wagg his Wife three Children and Servant Maid to pass to Cork in the Fleet going there.

Given at New York the First
Day of July 1779.
D. Jones, Lt. Gen. Commandant &c.

To all whom it may concern.

THE SENTIMENTS OF A FRIEND TO GREAT BRITAIN AND AMERICA.

[August 1778.]

(Public Record Office, London, A. O. 13/79.)

To their Excellencies the Right Honorable the Earl of Carlisle, William Eden Esq[r]. George Johnstone Esq[r]. commissioners from his Britannic Majesty for restoring peace between Great Britain and America &c. &c.

May it Please your Excellencies

These are the sentiments of a friend to Great Britain and America (altho' seemingly a paradox). It is to be hoped your Excellencies will excuse the presumption and rudeness of a common person to pretend for to dictate to such superior characters. But hope what humble suggestion or intelligence I humbly offer for the service of Great Britain will in part apologize for this bold Attempt.

Congress[s] letter to your Excellencies dated 17th June, 1778 concludes thus " the only solid proof of this disposition will be an explicit acknowledgment of the independence of these States or withdraw his fleets and Armies. Your Excellencies complying to their last request opens a great field for success.

The Congress have candidly pointed out a method to settle with great Britain. altho' they might have ingenously made known to your Excellencies that this is the only line for a treaty they dare propose agreeable to their Oath and to the eight article of a treaty of alliance. Eventual and Defensive between his most Christian Majesty Lewis the sixteenth King of France and Navarre and the Thirteen United states of America concluded at Paris, 6th February, 1778.

Article 8th. " Neither of the two parties shall conclude a truce or peace with great Britain without the formal consent of the other first

obtained; and they mutualy engage not to lay down their Arms until the independence (sic) of the United states shall have been formaly or tacitly assured by treaty or Treaties that shall terminate the War."

Their Oath if it may be stiled so is Congress upon a day of general public fasting and humiliation in their House of Worship and in the presence of God they Resolved "To hold no confarregee or treaty with any Commissioners on the part of great Britain, unless they shall, as a preliminary thereto, either withdraw their fleets and Armies, or in positive and express terms acknowledge the independence of these States."

As admiral Byron is daly expected on the North American coast, with a force when Joind with the Howe and Barrington, they will be able to accomplish great matters hereafter mentioned in this plan— in the meantime preparations for embarkation of all his majesties forces with the new raised American loyalist and artillery &c. &c. to be in readiness and to embark part to proceed and rendezvous at the Islands of Barbadoes and St. Christopher, part of the fleets and land forces for the protection of Nova Scotia, Canada, Newfoundland and a sufficient force to protect East and West Florida &c.

The fleets and armies having left New York and Rhode Island their Excellencies will I presume proceed to Philadelphia as their high station as Commissioners or Embassadors will be sacred by all Nations.

Your Excellencies will then please to propose to Congress That withdrawing his majesties fleets and armies from New York and Rhode Island shall be the preliminaries for settling a peace under the guaranty of their High Mightness the states of Holland and his Catholic Majesty the King of Spain.

the political purpose. these proposals answer some Views.

first. Congress will admit the withdrawing his majesties fleets and armies from New York and Rhode Island as a Tacit Acknowledgment of their independence.

second. it will preserve the honor of the crown and dignity of Great Britain &c. should Great Britain be in future worsted by the many powers she will have to contend with. the preliminaries insisted on will be Great Britain to renounce her claim to America.

third. it answers the purpose to know what part the King of Spain will take in this contest, when he finds such a powerful fleets and armies in the West Indies &c.

fourth. The states of Holland would be at a stand not willing to have it known that her subjects are under ingagements to supply France with naval stores and America with ammunition. the Ameri-

cans say that Holland will shortly enter into a treaty of commerce with the states of America for fear of being excluded of their trade as by a treaty with France and America 6th February, 1778, Article 2d. "The most Christian King and the united states ingage mutually not to grant any perticular favour to other nations in respect to Commerce and Navigation which shall not immediately become common to the other party who shall enjoy the same favour freely."

the Americans expect greater support from the Dutch than any other power. their resolves at the Hague, datted the 14th Decemr, 1776, Confirms this intelligence.

"We now find the re-establishment of a military force necessary to protect that commerce which has of late been our only care. The insults we suffered from the contending powers in the last war do point out to us the necessity of such a reestablishment, but what has more thoroughly convinced us of it and that in such a manner as to leave no room for doubt even in the breasts of the most passive is the great armament making by the different powers of Europe. Roused then, at length, by such powerful arguments, we are now set in good earnest about providing such a force as may be necessary to secure our flag from insult and procure that respect from our neighbours which as a free state we have a right to demand. With this view a powerful squadron is to be immediately fitted for sea. That nothing may be wanting also to render us secure at home the fortifications in our barrier towns are ordered to be repaired and new levies are to be raised to complete our regiment and such other measures taken as may give weight to our negociations in foreign courts. if these steps are pursued with vigour, which we hope they will, we shall soon see ourselves more regarded: and in case any turbulent potentate should think proper then to form any unjust demands upon us we shall be better able to reply to them when we have it in our power to repel force by force."

Should their Excellencies find Congress arrogate in their demands; to quit America and orders sent to attack the French and Spanish West India Islands and make reprisals of all the French and Spanish Ships to take and dettain the Spanish floats as hostage that Spain shall be neuture in the present contest between Great Britain, America and France: your Excellencies might think it a rash insult on a Nation seemingly in profound peace with Great Britain &c.

The information I humbly offer will shew the reason; the daily depreciating of Congress paper money at present is a finesse of some people[1] which indavour to raise one to forty for this purpose: the

[1] Congress.

Americans are assured of a Loan from Spain of Eight million of hard dollars. his most Christian majesty is guarantee. That America shall assist Spain in to possession of West Florida &c and in case of failure such parts of lands as shall be most contiguous to any spanish settlement shall be ceded to Spain by America, from their conquest or otherwise at the establishment of independence of the thirteen United States of America. within a twelve month Spain is to join France and America, under pretended injuries received from Great Britain &c. Which comes under the Treaties of alliance eventual and defensive between the french King and America concluded at Paris the 6th february, 1778, Article the 10th.

"The most christian King and United States agree to invite or admit other powers who may have received injuries from England to make a common cause with them and to acced to the present alliance under such conditions as shall be freely agreed to and settled between all parties."

The fleets and Armies quiting America for the present will be of great advantage to Great Britain &c. notwithstanding some objections might be alledged that the fleets and armies leaving America will shew that Great Britain can not subdue the Americans to due obedience. The fleets and armies leaving America admits of the independency of the colonies and must distress the loyal friends to Government in answer to such objections. it is obvious to the World what conquest Great Britain has made or can make in America. it is not the burning of Cities and Towns or laying waste to Sea coast &c can not be said is subdueing an enemy. it is to disarm an enemy or rebellious subjects &c. it is to keep up standing armies to quell the spirit of Revolution; on a modrate computation. could America be conquered it would require to keep thirteen colonies in due subjection. on an average at nine thousand men to each colony will amount to One hundred seventeen thousand men, this is but a modrate calculation founded on a letter of Dr. Franklyn shewing the naterual strengt of America: published in the London Chronicle of the 8th february, 1766.

"English America thought it self suffeciently able to cope with the french without other assistance: several of the colonies having alone in former wars withstood the whole power of the enemy unassisted not only by the mother country, but by any of the neighbouring provinces." these letters were wrote in July 1754. it can not be doubted but the strenght of America must have increased greatly in the course of twenty four years. Governors place men and others who have been or now are at America are most blamable. they have

deluded ministry, Parliament and all the good people of England: have they not misrepresented the Americans and maintained that America could be easly Conquered; have not one of your heroes[2] declared in the House of Commons that he would march thro America with five thousand men; have not ministry been persuaded that half the people in America were in favour of Government and were true and loyal and as soon as the British Armies made their appearrence they would be joined by thousands from the different colonies, and that the Americans had neiher strenght or skill in war to resist regular forces; the Americans admit that British and foreign troops under the guns of their shiping may chance to succeed, but if their armies advance into the interior parts of America any army less than ten thousand men must submit to the Americans &c.

the affair of Trent town and Saratoga are almost proves. a Great and Able General[3] can convince all England of the same.

That America was not in situation two years ago as they are at this time appears from the debates of the 27th June, 1776, concerning their skill in the art of War as to be able to support their independency: an able statesman and Philosopher[4] observed "that till the Americans were better used to arms, they would be wise in using the pick-ax and the spade for by entrenching themselves always they might save many lives, and if they followed the wisdom of the Roman General Fabius in opposing Hannibal and the Carthagenians, the Americans must be successful in the end."

I appeal to the gentlemen of the British and foreign forces to say when they entered New York and its environs wheter they were defenciable or not &c. if America should use the policy of making soldiers of a proportion of their working negroes which must add to their strenght and if France or Spain send but ten ships of the Line on the American coast, the British Armies must in the course of four of five years either be diminished, cut of or be Captivated &c.

by all circumstances it plainly appears that America will certainly be lost to Great Britain: Why does not Great Britain revenge her wrongs on France and Spain as abettors to America, which will sound better in the annals of England. That in the years 1778 and 1779 Great Britain possessed themselves of the French West India Islands and took from Spain several of their shiping and the Spanish floata to the amount of several millions for the profidousness of these two Nations in abetting and incouraging the subjects of Great Britain to

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[2] Colonel Grant.

[3] Gen. Burgoyne.

[4] Doct[r]. Franklyn.

revolt and declare themselves free and independent and as an example for one sovereign not to interfer with the subjects of another Sovereign or power contrary to the laws of Nations.

Or, that in the years 1778 and 1779 France made a conquest of the British Leward Islands. Spain also conquered Jamaica, East and West Florida, laid siege to Gibraltar &c. American privateers triumphant on the English, Irish and Scotch coasts while forty five thousand men, the flower of British and foreign troops, with loyal provinsials lay on their arms pend up in New York and Rhode Island.

Therefore the plan now proposed for the King's fleets and armies to quit America at present must answer the great purposes of becoming victorious and to conclued a peace on equitable and honorable terms with America.

But if the King's armies and fleets are to continue at New York and Rhode Island at such enormous and extravagant expences, Great Britain will be baffled by America triumpht over by France, insulted by Spain and laught at by all Europe.

in answer to the objection that might be urged that the fleets and armies quiting America would be as acknowledging the independency of America, Great Britain has shewn to all impartial English men that America are independent by the manner of proceedings tho' not proclaimed at the Royal Exchange. To what court or to which potentate has Great Britain even sent three high and most esteemable Characters as planipotentiaries: in what age has Great Britain sent to supplicate her enemy at their own doors for to sue for peace.

do you not treat with America as a separate nation. Great Britain was the Americans for exchange of prisoners of war. the Americans refuse under pretence that Great Britain has not fulfilld the treaty of Saratoga.

all Europe were surprised that so great and wise a Nation as Great Britain should stile a set of men Rebels and Pirates &c. but when Americans are taking they are termd prisoners of war.

Your Excellencies will please to permit me to say by assured information that not any means or ways will enable Your Excellencies to settle with Congress or the people in arms in America. But Great Britain acknowledging the independence of the thirteen states of America " or to withdraw his fleets and armies."

The object is great and important. the Americans say that the Colonies can never be enslaved whilst they are determined to be free.

Americans say Let the powers of Europe Judge wheter a Nation so new like America could have done as they have resisting and defending them selves three years (without money) against so

magnanimous a Nation as Great Britain and her German alliance. the humiliation of Great Britain, by dividing her from the Colonies, are the wishes of France, Spain and Holland the Americans say. they have raised independence upon the pillars of freedom. they have purchaced it at so high a price as the loss of one hundred and three thousand lives, who have bled in the cause of freedom, a Virtue known to few but British subjects: Their towns have been burnt. their sea coast have been ravaged. they been oppressed and distressed to evry degree that human nature can suggest.

The voice of the people now in Arms in America and the Congress are for a perpetual alliance with Great Britain. they acknowledge that an alliance with France is only to obtain independence. witness the late disturbance between some of the men from De. Estaing fleet and the inhabitance of Boston.

As courage and generosity are naturally united and yet English blood flows in the Viens of Americans who will have honor, generosity and Gratitude to forget all past recent animosities that has divided the former conextions that subsisted between Great Britain and America and bury in oblivion the folliss of the daughter with the cruelness of the mother and wish to be allied with Great Britain.

Your Excellencies may be assured Congress are under ingagments with France that they dare not make any offers but to be independant according to Treaty &c.

the majority of the inhabitance of North America are for independence, but wish and would prefer an alliance with Great Britain rather than with any other power in Europe. No overture or any proposals for peace will or can come from Congress. they say should Great Britain reject our offers it would draw on us the scorn of Europe and the resentment of France, Spain, Naples and Holland who have promised to support the states of America to be independant &c.

May it Please your Excellencies to suppose these propositions to come from Congress.

That Great Britain shall acknowledge the thirteen united states of North America Free and independent &c.

That the states of America shall place at the Court of Great Britain thirteen of the Congress as Agents, Embassadors or Hostages for the true performance of a Natural Alliance Evantual and Defencive Amity and Commerce between his Majesty the King of Great Britain and the thirteen united states of America &c. &c.

That Great Britain shall grant all imports the produce of states subjected to the thirteen states of America free from all Duties for the space of four Years &c.

That all debts due from the subjects of the States of America to the subjects of Great Britain shall be recoverable at any court where the Debtor dwells or holds lands that the Congress shall inforce each state to make laws that such Judgements shall be prior to any Judgements between party and party the subjects of the United states of America &c.

Your humble [In]formant does not presume to state or stile the manner how treaties should be. But mentions these as the heads of such treaties as he hopes will be agreeable to Great Britain and the Thirteen united states of N. America.

Great Britain will derive more extencive and more durable advantages from such a Natural Alliance than from their former Conexions when self interest Governors and place men had in their power to cause feuds and animosities, as have been the case between Great Britain and her Collonies &c.

if such a Natural treaty of Alliance should take place, the americans will then through of the mask and tell France and Spain that the law of Nature and Natures God intitles America to enter into treaties and be perpetualy allied with Great Britain by the nearest ties of consanguinity, being of the same religion, speaking the same language and remembering the former intercourse of good offices &c.

America has convinced all Europe of their Valour, power and policy that if . . . . [torn] . . . . Great Britain. they . . . . ntly will . . . . [torn] . . . . with any four powers in Europe.

Your Excellencies plainly see that to withdraw his Majesty fleets and Armies from America or grant independence to America will save 1000 lives of Britons and millions of British Money.

Your Excellencies may be assured what suggestions or informations humbly offered altho synonymise is from a

FRIEND TO GREAT BRITAIN

New York, the 22^{d}. August, 1778.

D. PRIVATE SUGGESTIONS ON A PLAN TO DISSOLVE THE CONNECTIONS OF AMERICA WITH FRANCE &C.

(Public Record Office, London, A. O. 13/79.)

Private Suggestions on a Plan to dissolve
the connections of America with France &c.
Humbly offered by the Proposer
Abrm. Wagg

Original deliver^{d}. to Mr. Epean—to be presented to Lord Shelburne.

The plan is an Embassage for a negociation of a Truce on the annexed terms, to be sent from his Majesty the King of Great Britain

to the Congress and Inhabitants of North America which will prove a great finesse in politics, which may disolve the connections of America with France and diminish the Authority of the American Congress.

The proposer humbly presumes (for reasons herein mentioned) the offer of terms from his Britainnic Majesty will be rejected by the Congress and French Party, but will Receive with Approbation by the Soldiery and Inhabitants of America. Therefore to send the annexed Embassage to the Congress &c. At this Juncture, will be as Political, as is Needful.

It will show his Majesty's paternal desire to quiet the minds of his Subjects by his Condescension in offering terms for accomodation of peace in favor of the revolted Colonists.

It will convince all the good people of England of the arrogant and extravagant behaviour of the American Congress while they continue allied with France.

It will re-establish the duty and affections of the Soldiery the populace &c to his Majesty the King of Great Britain and quench the inflamed enthusiasm of the Americans, which when joined with the loyal Americans (who are numerous in North America) but being in Awe of the surrounding American and French armies, and dubious of success in favor of Great Britain, is the reason they dare not shew their zeal for British Government until an opportunity offers to oppose the present Congress.

It will baffle the Bourbon confederacy with the Congress, and be an allurement for the Americans to have an opportunity to disengage themselves from their French ally &c and extricate themselves from their involvements with France.

An Embassage from his Majesty the King of Great Britain for a negociation of Truce or peace with the Congress and Inhabitants of North America, will be an opening for further overtures between Great Britain and America, it will be known if America will join Great Britain and disengage themselves from their Alliance with France, and know what real friends to British Government are among the Americans and to know what terms will be expected from Great Britain to reestablish a firm reconciliation with the Congress and Inhabitants of North America.

Not any proposals, offers, or overtures for truce or peace, can or will come from the American Congress; Should Great Britain reject their offers, it will draw on them the scorn of Europe, and resentment of France, Spain and Holland who publickly support and espouse their Cause, neither dare they discover their involvements with France &c.

Most of the powerful potentates in Europe, have intrest themselves in favor of the Americans, (which may partly be proved by these Suggestions. The offer of the annexed Terms from Great Britain to the Congress &c will deprive France, Spain and Holland of the pretended glory in compelling Great Britain to acknowledge the independency of the thirteen revolted Colonies &c. during the present contest should Great Britain be worst by France, Spain, Holland or America, and any negociations for truce or peace be offered by either parties. The preliminaries insisted on will be, that Great Britain shall renounce her right in the thirteen Colonies &c.

The former and late losses in North America must convince all the good people of England, that the efforts of Great Britain will not be able to subdue the Americans while they continue connected with France and countenanced by most of the powers of Europe.

Therefore to put this plan into Execution, the opration thereof, will be greater Utility to Great Britain more than the Embassage simply appears to be.

The discontent of the Inhabitants of America to their annually Tax, as a fund for sinking the emissions and loans of the United States of America, and the present Jealousy between the American Soldiery and the French army, and as the Inhabitants of North America pants after a peace with Great Britain, are sufficient reasons to expect some stratagem may bring about a federal Alliance (nearly on a basis as re-united) with Great Britain &c. Or devide and confuse the whole form of the American Policy which must tend greatly to the Advantage of Great Britain.

The Congress and French party will reject the terms offered from his Majesty the King of Great Britain, on pretence of violating the eight Article of a treaty of Alliance, &c. concluded at Paris the sixt of February, 1778 between the French King and the United States of North America &c.

Article Eight. "Neither of the two parties shall conclude either truce or Peace with Great Britain without the formal consent of the other first obtained, and they Mutually engage not to lay down their arms, until the independence of the United States shall have been formally or tacitly assured by treaty or treaties that shall terminate the War."

The Congress and French party will pretend that honor &c. Obliges them to hold the treaties of their great and good ally, most sacred, that their Engagements with France will not admit of a separate or peace with Great Britain &c. without the joint consent of France, The Congress, the French Embassador and his influenced party, may

treat the terms offered by his Britainnic Majesty with contempt &c. but nine parts of ten of the Inhabitants of America, will Receive the Embassy with applause and Approbation &c.

The Soldiery will accept the terms offered by his Britainnic Majesty (the Majority of General Officers are more inclinable for a peace with Great Britain than any other of the Inhabitants of America) the Soldiery will embrace the Opportunity to lay down their Arms (being heartly tired of the Service) and naturly Jealous of the French especially on the late encomiums lavishly bestowed by the Congress and Commander in Chief on the French Navy and Army &c. on the victorious Capture lately obtained, the Soldiery will be easily drawn from the Congress's interest, they will ressist the Congress for not accepting his Britainnic Majesty's offers which are generous and decently conformable to their hopes and expectations, sufficiently a reason for them to quit the service of the thirteen united States of America with honor, as they are no longer bound to serve according to their agreement and to treaty &c.

The Patriotic Americans, now dread the dangerous consequence of an alliance of America with France, and now see what must ensue from their involvements with France which must end, with large concessions from America to France, to the great prejudice of their Country. They will resist the Congress for acting against the Interest of America and for not accepting the Terms offered from his Britainnic Majesty.

The republican spirited Americans, now see their favorite hopes (Independence) will be cloged with such involvements with France that two States at least must become French Colonies, if the present war continues, they will resist the Congress for not accepting the Terms offered from his Majesty the King of Great Britain, they will Rescind all obedience to Congress, and will not regard their Resolves. "In Congress Jan. 14, 1779, The Committee to whom was referred the letter of the 7th of December, 1778, from the Hon. Sieur Gerard, brought in a report, which was taken into consideration and thereupon Congress came to the following Resolution: Whereas it has been represented to this House by the Hon. Sieur Gerard, Minister plenipotentiary of France that it is pretended the United States have reserved the liberty of treating with Great Britain seperately from their Ally, as long as Great Britain shall not declare war against the King his Master. Therefore resolved unanimously, that as neither France nor these united States may of right, so these united States will not conclued either truce or peace with the common enemy without the formal consent of their ally first obtained; and that any

matter or thing which may be insinuated or asserted to the contrary thereof, tends to the injury and dishonour of the said States."

The religious Americans who dread the evil Consequence of introducing the French Nation among them, which must corrupt their youths and endanger their Religion &c. they will resist the Congress for not excluding the French, and not accepting of his Britainnic Majesty's bountiful offers for an accomodation of peace, and stop the effusion of blood and calamities of war.

The loyal Americans who wish and wait to return to their ancient connection with Great Britain will embrace the opportunity of joining any parties to resist the Authority of the American Congress.

The greater the division and confusion among the Americans the greater advantage in favor of Great Britain, a general contention to resist the Authority of the American Congress &c. will be the sure means to entangle their policy and dislocate their form of Government, should this be the case, the alliance of France with America must diminish or disolve, as the present Congress will not be able to stand against the clamor of the American populace &c. Should their Constitution be broken it is natural to believe the Americans will prefer British Government and Protection rather than French arbitrary power and Government.

Should the terms offered from his Majesty the King of Great Britain to the Congress and Inhabitants of North America be accepted by some parties and rejected by other parties, a division and confusion among themselves ensue and feuds grow high, then his Britainnic Majesty's fleets and Armies being in possession of part of North America (as they now hold) will be of service to Assist the friendly and loyal Americans against the broken power of the Congress and French party whose whole dependence will be the French Soldiery.

Although Great Britain may have assurance of friendship from some Courts of Europe, the Congress has supplicated for their friendship or neutrality, while the Court of France has been raising the spirit of Jealousy in the bosoms of most of the powerful potentates of Europe. That if the growing power and policy of North America continue United to the sovereignty of the Crown of Great Britain, the balance of power would be too much in favour of Great Britain, &c. which is the reason that no European power of eminence has assisted or taken part with Great Britain against the efforts of France, Spain, Holland and America.

This intelligence is confirmed by the Resolution of Congress who sent Commissioners to the several Courts of Europe.

"In Congress Dec. 30th, 1777 Resolved." "That Commissioners be sent to the Courts of Vienna, France, Spain, Prussia and the Grand Duke of Tuscany."

"That the several Commissioners of the united States be instructed to assure the respective Courts, Notwithstanding the Artful and infidious endeavours of the Court of Great Britain, to represent the Congress and Inhabitants of these United States to the European Powers, as having a disposition again to Submit to the Sovereignty of the Crown of Great Britain, it is their determination at all events to maintain their independence."

The Congress were assured of the private friendship of the Dutch, and the collusion between Holland and America appear plainly from the above resolves, and the late loans obtained in Holland by Mr. Adams (countenanced by the States &c.) is a proof of the secret disposition of Holland to assist America against Great Britain.

The Resolves of Congress, their instructions to their Commissioners in France and Tabacco contract with France are sufficient grounds (to form an Idea) of the involvements of the United States of America with France. "In Congress January 2, 1779. That these United States be called on to pay in their respective quotas of fifteen million of dollars annually for eighteen Years from and after the Year 1779, as a fund for sinking the emissions and loans of these united States to the thirty first day of December 1778, inclusive."

Congress in their instructions to their Commissions in France (they say)

"That should the proposals, made as above, be insufficient to produce the proposed declaration of war, and the Commissioners are convinced that it can not otherwise be accomplished, they must assure his Most Christian Majesty, that such of the British West India Islands, as in the Course of the war shall be redused by the united force of France and these States shall be yielded an absolute property to his Most Christian Majesty, the united States engage, on timely notice, to furnish at the expence of the said States, and deliver at some convenient port or ports in the said States provisions for carrying on expedition against the said Islands, to the amount of two Million of dollars, and six frigates, mounting not less than twenty four Guns each, Manned and fitted for Sea; and to render any assistance which may be in their power, as becomes good allies."

Messrs. Franklin, Lee and Deane, Congress's Agents at Paris did in December 1777 negociate a commercial treaty with Messieurs Rollin & Bouret deputed by the farmers General of France the treaty Stipulates, That the States of Virginia shall annually furnish the

Farmer General of France, with twenty thousand hogsheads of Tobacco at the rate of six pence farthing per pound. Until these twenty thousand hogsheads are delivered at the ports of France, the States of Virginia is not to furnish any other European Power with a single hogshead of Tobacco. This treaty is concluded for seven, fourteen or twenty one Years with the optional power of the contracting parties, to annul, or continue it at the Expiration of seven or fourteen Years.

Notwithstanding, the commercial advantage that France might reap by the tobacco contract, yet the French Ministry pretended that France could not publicly assist the States of America, that the breach of National faith, the consequence of a rupture with Great Britain, and the States of America, were too new a Republic to comply with their quota in Men or Ships, as might be expected and as becomes good allies &c. notwithstanding these pretended obstacles (to make a price of their friendship) antreaty Eventual and defencive and a treaty of Amity and Commerce and an open Alliance between France and the United States of America was conducted at Paris in February, 1778, but the Terms of Consideration &c. is a Secret to the Inhabitants of North America.

The Inhabitants of North America reflected greatly on the misconduct of the Congress, who had involved the States of America enormously as appears by their National Debt, which was computed, on the first day of January, 1779, at One hundred and Seventeen Million Dollars.

By the involvements that America has been plunged into by procuring aid from France every Person able to discern the true Interest of Great Britain and America must consider a natural and firm Alliance between Britons and Americans will be the Preservation of both Great Britain and America.

France Jealous if Great Britain should not recover the Colonists as Subjects, would admit their Independency and secure them by Natural and federal Alliance &c. Therefore France egerly and profidiously seduced America into an Offencive league against Great Britain and is Guarantee to Spain and Holland for the United States of America, for any Loans, they shall be able to obtain.

Tho difficult to appearance yet the connections between America and France is dissolveable; The alliance and pretended friendship of Americans and French, has been supported in North America by art and force. Neither can their Amity be of any longer duration, than the Americans purpose is served (by a firm alliance with Great Britain &c). There is the greatest reason to believe the Americans

will certainly lurch the French when assured of the friendship and protection of Great Britain, the indignant reception of the Count D'Eslaing and his Sailers met with at Boston in the year 1778, the late bickering and strife between the Congress and Count Rochambeau at Rhode Island and the present Jealousy between the American Soldiery and the French Army &c. is a proof of the Natural animosity of the Americans to the French Nation.

Neither is it natural or reasonable to believe the French so adverse to Americans in language. Religions, manners and Politics &c Can or will be preferable to Americans rather than Britons of the same Consanguinity the same Religion and the same language &c. by the aforementioned remarks, it may be Judged of the stability of treaties between America and France.

It is improbable a Re-Union to Exist again between America and Great Britain or a firm alliance between Great Britain and America, Unless some means or Stratagem can be invented to dissolve the Connections of America with France, and heal the animosities that have for these seven Years rankled in the bosoms of both Britens and Americans.

Great Britain may forget the ingratitude of the Americans. America may forget and now cease to suspect a set of Men that would have exhausted all the stores of intrigues and Violence to deprive her of her rights. Great Britain may forgive the dangerous attempts of Americans to rival her of her power and conciquence, and involving her in bloody and expencive wars &c. and Americans may forgive the injuries and Cruelties of Britons.

But should the Congress and Inhabitants of North America Continue contumacious and reject a firm alliance with Great Britain &c. Can then Great Britain set tamely and not avenge her wrongs by means or stratagems to delued the Americans into division and confusion, or even destruction rather than America should continue connected with ancient and enveterate enemies of Great Britain.

Should the broken Power of Congress and French Soldiery be an over match for the loyal Americans and such Americans who wish to be connected with Great Britain and exclude the French &c. his Majesty the King of Great Britain fleets and armies being in possession in parts of North America as they now hold. The majority of Americans may sue his Britainnic Majesty for aid and protection, perhaps on lesser Terms &c. than his Majesty the King of Great Britain is now pleased to offer.

The proposer humbly hopes the presumption to offer these suggestions and plan tho' rude and imperfect may be pardonable.

EMBASSAGE.

That his Majesty the King of Great Britain Tacitly admits the Independence of the United States of America &c. Until the same shall have been confirmed by Parliament.

That within thirty (or forty) days from offering of these Terms, Congress Do order and proclaim a Cessation of hostilities by sea or land with Great Britain &c. and the party (or parties) intrusted with the Embassage empowered on part of his Britainnic Majesty, shall order and proclaim a Cessation of hostilities by sea or land with the United States of America, for any time and under any conditions or restriction &c.

That his Majesty the King of Great Britain his fleets and Armies &c. shall continue in possession of such parts of North America as they now hold Until peace and Independence be Ratified.

That the United States of America do send to London, three (or thirteen) members of Congress, or Capital Subjects of the United States, further to negociate and settle treaties &c. and as Commissioners Embassadors, or Hostages, for the Performance of Treaties &c. &c.

(Annex.)

Sir,

Your estimable favour of the first Inst. is Rec^{d}. I am much obliged to you for the truble you take to save me.

In answer to your request shall state what I know relative to the papers I sent you.

Sir the people at Philledelphia are in expectation of some personage of rank as Embassador from the Court of Great Britain to the Congress, and Inhabitants of Northe America. That the Congress have ordered signals at the Capes May and Hinlopen, and express's ready at Lewis Town should any British ship of war with a flag of truce in Delavare Bay. Whether it is to hinder the Flag of Truce to proceed, or to what other purpose is unknown.

Were I to assert this as an Intelligence, perhaps the question would follow, how Come you by these informations but Sir, in a short time you will be convinced of the Reality in what I now offer which is to shew my endeavour to give all the satisfaction that can be expected from

Your humble Servant
A. Wagg.

Mr. Solomon Henry

(Copy)
Original deliver^{d}. to
Mr. Epean.

Bristol, the 6th July, 1782.

THE JEWISH BURIAL GROUND ON NEW BOWERY, NEW YORK, ACQUIRED IN 1682, NOT 1656.

By Samuel Oppenheim.

The inscription on a tablet of bronze, placed on the walls of the Jewish cemetery on New Bowery, states:

> This tablet marks what remains of the first Jewish cemetery in the United States, consecrated in the year 1656 when it was described as "outside the City."

The tablet, the inscription adds, was erected in 1903 under the auspices of the American Scenic and Historic Preservation Society and of the American Jewish Historical Society.[1]

This might seem to be conclusive as to the facts stated. But truth is more enduring than a claim done in bronze, and historical accuracy requires proof to support such a claim or, otherwise, that it be rejected. Mere assertion cannot be accepted as proof. Tradition also cannot be invoked in face of undoubted records giving evidence to the contrary.

If it shall appear that the New Bowery cemetery was acquired only in 1682, seniority cannot be claimed, as there was a Jewish cemetery in Newport, Rhode Island, in 1679.[2]

The location of the burying ground on New Bowery was, according to the old deeds relating thereto, beyond what was called the Fresh Water. This was not far from the present Chatham Square.[3]

[1] See *Publications of the American Jewish Historical Society,* No. 21, p. 8, for photogravure.

[2] *Id.,* No. 27, p. 262.

[3] The Fresh Water, according to maps in the Register's office, New York County, and in I. N. Phelps Stokes' "Iconography of Manhattan Island," iii, plate 174, was on land now bounded, on the east by Baxter street and Park Street, on the north by a little north of Franklin street, on the west by Elm street, and on the south by Reade street.

The writer has been unable, after an examination of every available source, including every deed or other ancient document containing any reference to the Fresh Water, to find any evidence to show that the grant by the Dutch to the Jews, in 1656, of land, designated by them as "outside the city" and spoken of as to be pointed out for use as a burial place, was on the spot in New Bowery near Oliver Street and Chatham Square, covered by what has been known since 1682 as the Jews' burying ground.

It can be demonstrated beyond the peradventure of a doubt that the land granted by the Dutch in 1656 was not at the spot on New Bowery referred to, nor in that immediate neighborhood. This demonstration can be made through the various deeds relating to the burying ground land and to the adjacent property, and by comparing the descriptions in them with the wording of the record relating to the applications of the Jews for the Dutch grant.

No deed of that grant can be found, nor any reference thereto save in the vague language of the Dutch record which does not mention the Fresh Water but states that the location was to be "outside of the city" and on "free land belonging to the company," meaning the Dutch West India Company, the owners of the land on Manhattan Island. Where this spot was has not yet been ascertained. Whether it was near the Fresh Water has not been established. For an appreciation of what follows the record will now be quoted.

The Jews having made an application to the Dutch authorities in July, 1655, for permission to purchase a burying place for their nation, and having stated that they did not wish to bury their dead in the common burying ground, the answer was given that

> there would be granted them, when the need and occasion therefor arose, some place elsewhere of the free land belonging to the company.[4]

[4] *Id.*, No. 18, p. 75; N. Y. Colonial MSS., vi, p. 285.

On a second application by the Jews, February 22, 1656, in which they again asked of the authorities

> that consent may be given to them to purchase a burying place or that a place, after being pointed out, might be granted and allowed them,

the record states that, after a vote, a committee of two, who are named, were

> authorized to point out to the petitioners a little hook of land situate outside of this city for a burial place, and to make report thereof to the meeting.[5]

No copy of that committee's report nor any contemporary or official reference thereto or to the location of the grant is extant.

No claim was ever made by the Jews in early New York that the burying ground, used by them since 1682, was on land granted by the Dutch.

In 1728, after their old burying ground had become full, the Jews made an application to the Common Council of the City of New York for permission to purchase two lots on Golden Hill (on the present Gold Street between Ferry and Beekman) for burial purposes, saying that because of a dispute regarding the title they could not acquire land adjoining such old burying ground. They did not then claim that the old ground was that granted by the Dutch. They spoke of it as a small piece of land beyond the Fresh Water, which they had purchased some years before for a burying place,[6] not as ground which, like the Dutch grant of 1656, had been acquired by them as a gift or which they had purchased from the authorities.

When the difficulty in regard to the title had been overcome they purchased the land adjacent to their old burying ground, and abandoned their intention to use the Golden Hill land

[5] *Ibid.*

[6] *Publications, supra,* No. 21, p. 7; "Minutes of the Common Council of the City of New York," vol. 3, p. 447-8.

for cemetery purposes. In the deed to them for the new purchase,[7] made in 1729, no reference was made to any Dutch origin of the adjacent burying ground. The description in the deed included the old burying ground acquired in 1682 and in use since then. It did not distinguish the old from the new. The dimensions are given without words of separation. A separating line, however, is shown on a survey, reproduced further on in facsimile, made for the prospective purchasers.

The title to the old 1682 piece, as will appear, had become vested on the record in the grantor, through a common antecedent ownership, the deed therefor not having been recorded.

Naphtali Phillips, an officer of the Congregation Shearith Israel in the City of New York, which owns the cemetery, as shown further on, when writing in 1850 a sketch of the Jews in early New York, first printed in 1913,[8] made no claim, in his references to this cemetery, that a Dutch grant had been made therefor.

Rev. Jacques J. Lyons, minister of the congregation, in giving, in his "Jewish Calendar," published in 1854, an account of the synagogues and Jewish cemeteries in New York, among other cities in America, also made no claim or mention of any Dutch grant. He stated that the first burying ground of the congregation was acquired about 1682.

Questions relating to the title of the Jewish congregation to this cemetery land came up several times in the eighteenth and nineteenth centuries, and opinions of eminent counsel were sought. The first one, to be quoted presently, given in 1772 by John Tabor Kempe, who was attorney general of the colony, made no reference to any Dutch grant. He, with all the muniments of the title before him, cited the first acquisition by the Jews of land on this spot for a burying ground as having been made through a deed from William Merrett and Margery

[7] Liber 31 of Conveyances, p. 319, in the Register's office, New York County.

[8] *Publications, supra,* No. 21, p. 185 *et seq.*

his wife to Joseph Bueno in 1682.[9] That deed, according to Kempe, described the land as to be held in trust by Bueno for a burial ground for the Jews of the city. Bueno, it should be here mentioned, was the leading Jew in the colony between 1682 and 1708, in which latter year he died.[10] He was probably the president of the congregation during that period. The congregational records before 1728 are not extant.

William Slasson, a prominent lawyer in New York, and James Kent, later the celebrated chancellor, also gave opinions, in 1829, on the title of the congregation. The three opinions are preserved in the archives of the congregation. In none of them was reference made to any Dutch grant or acquisition in 1656, or before 1682.

The first man who made the suggestion and argued in favor of the claim of a Dutch grant was the late Chief Justice Charles P. Daly.[11] For many of his statements he used quite freely Valentine's "Manual of the Common Council of the City of New York," for 1860 and 1866, which is not a source authority.

Daly referred to the fact that, when the Jews made their application to the Common Council in 1728, they stated that the burying ground already used by them was full and that they could not acquire title to the adjacent property because of a dispute about it; and he concluded that, as the Dutch grant of 1656 was of land "outside the city," the filled up burying ground must have been the one granted by the Dutch because it too was at that time "outside the city." He assumed, without further proof than the location "outside the city" and beyond the Fresh Water, that, when the Jews finally acquired in 1729 the piece adjoining the old ground,

[9] The name is sometimes spelled Merrett and sometimes Merritt in various documents and signatures. Both spellings are used here, according to the document cited.

[10] *Publications, supra,* No. 23, p. 149, giving his will.

[11] The Settlement of the Jews in North America," New York, 1893, p. 33-44.

the latter piece was the one granted by the Dutch in 1656. He apparently was entirely unaware that the land adjoining the piece purchased in 1729 had been acquired from William Merrett and wife by Joseph Bueno in 1682 for use as a burying place for the Jews. Nowheres does he mention the deed for that adjacent land nor Bueno's name in connection with it. This omission was due to the simple reason that the deed for the 1682 purchase was not recorded and that no copy can be found. No mention of it was made in any account printed before Daly's book appeared, in 1893. The first printed reference to it was made by N. Taylor Phillips [12] some time after Daly wrote his account. Phillips, with Kempe's opinion in the archives before him, described the dimensions of the land acquired in 1682, as given in that opinion. These, in round numbers, agree approximately with the survey mentioned above.

The part of the Kempe opinion that described the Bueno deed reads as follows:

"7th August 1701. By Indres of this Date between William Merret, and Margery his Wife of the one part, and Joseph Bueno of the other Part, reciting a Deed from the said Merret to the said Joseph Bueno in the year 1681-2 for a certain piece of Land therein described lying at the Fresh Water, in Length about 52 Feet, and Breadth about 50 feet, and that it was purchased by the said Bueno for a Jew Burying Place, with free Liberty of passage from the Highway thereto to carry their dead; The said Merret and his Wife by this Deed of 7 August 1701 for the sure making and conveying this piece of Land to the said Joseph Bueno for the Use aforesaid grant & confirm the same piece of Land to him in Fee for the Use aforesaid.

In Virtue thereof this Piece of Land continued from the Time of the first Grant aforesaid in 1681/2 the sole Burying place for the Jew Congregation of the City of New York, until the year 1729, when it was thought proper to purchase an addition thereto for the same use.

[12] *Publications, supra,* No. 1, p. 93 (1893), vaguely and without giving any date, and in No. 6, p. 125 (1897), definitely.

Other parts of the opinion are not considered here, they not relating to the Merrett deed and to the description of the property.

It might seem, from the quotation just made, that Kempe had before him only the confirmation of 1701; but the fact probably is that that confirmation was written on the deed of 1682 or attached thereto, preceding it. This becomes clear when we know further that the deed of 1682 was in the possession of the congregation later, as appears from receipts, examined by the writer, given by its custodians to their predecessors, on taking office as treasurer. One of these receipts, now in the congregation's archives, signed by Isaac Moses, a treasurer, October 17, 1774, includes, among the papers turned over to him,

> A deed of Mary and William Merrit to Joseph Bueno for a lot for a *Beth HaHaim* [cemetery] for this congregation.

The other receipt, also in those archives, signed by Alexander Zuntz, treasurer, July 25, 1784, recited, among other documents deposited with him, one described as

> William Merrit & Margery his Wife's deed to Joseph Bueno for 52 feet or thereabouts for the Beth Haim.[13]

These two receipts are recited in a further receipt, given about 1802, which does not mention the deed.[14]

The conveyance of 1682 is also implied, as will appear, in a deed made in 1698 by Merrett to William Janeway, described below.

It was because of his want of knowledge of the Bueno deed that Daly was led to make the various statements he did in his attempt to prove that the land used before 1729 as a burying ground for the Jews was that granted by the Dutch in 1656.

Independently, however, of the unrecorded deed of Merrett to Bueno it can be demonstrated, through official records, that the burying ground on New Bowery could not have included

[13] *Id.*, No. 27, p. 39.
[14] *Id.*, p. 70.

any part of the land granted by the Dutch in 1656, if the Jews ever used such granted land. Of any such use there is no record. A supposed record is considered and disproved in a note here below.[15]

[15] What may seem to be proof of the use of the New Bowery plot as a Jewish burial place before the Bueno purchase in 1682, is a reference purporting to show that an Abraham Haim DeLucena was interred there on Menahem 25, 5429, corresponding to some day in August, 1669, or thirteen years before 1682. See *Publications, supra,* No. 18, p. 120. It can now be shown, however, that this reference is erroneous.

On the widening of New Bowery many bodies were removed from the cemetery between November, 1855 and July, 1856, under the supervision of Rev. Ellis Lyons, brother of Rev. Jacques J. Lyons, the then minister of the congregation. There was then made, according to the minutes of the trustees, 1849 to 1869, pp. 268 to 271, a "List of those disinterred, so far as the same could be ascertained from the tomb stones, records, etc." Many of the stones contained no marks, the inscriptions having been effaced by time and the elements. Judging by the heading of the list, the stones alone were not used for data but records also were consulted therefor. These records, in a copy mentioned in the next paragraph, are spoken of as congregational records.

That list was printed in the *Publications, supra,* No. 18, pp. 120 to 122. It contained eight names, beside's DeLucena's, of the period before 1700, and these eight were all after 1689. DeLucena's name in the printed list is given with the year as 1669, while in the manuscript minutes the year is given only according to the Hebrew calendar, 5429. That date there had a doubt cast on it. Opposite the name, in the list in those minutes, is a note by the clerk of the congregation questioning the year and beginning with the word "Erroneous." This list was recopied verbatim, with some added notes, into a volume in the archives, known as a "Register of Births, Marriages and Deaths," for 1834 to 1857, pp. 361 to 375.

The archives contain a prior "Register of Births, Marriages and Deaths," running from 1759 to 1834. This, at pp. 1 to 35, has, for each month of the year, a list of the dead for whom memorial prayers were to be recited annually, in perpetuity, on specified days. This memorial list, with additions, is copied into the succeeding volume, above mentioned, running from 1834 to 1857, at pp. 414 to 439. In

There are two ways of proving the impossibility of such inclusion. One is to ascertain the ownerships and descriptions of the land at and near that location before 1656, when the Dutch grant to the Jews was made and, using the descriptions,

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both these memorial lists, for the month of Ab, also called Menahem, is found the name of Abraham Haim DeLucena, with the day of the month, the 25th, opposite it, but without, in either instance, the year. Immediately following his name, in the first memorial list, is that of Rachel DeLucena, without any date following it, while in the second memorial list Rachel's name is given with the same day and month as Abraham's, also without the year. The year sometimes appears opposite other names.

How, when the list of disinterments, copied into the above mentioned trustees' minutes of 1849 to 1869, was made, the year came to be adopted as to DeLucena cannot be determined. Rachel's name does not appear in the list in these minutes. The original memoranda of the committee on disinterment has not been preserved. No copy is given of the full inscription on the stone. The list does not give in any case more than the names and dates. DeLucena's body is noted, in the recopied list of disinterments, in the "Register" for 1834 to 1837, as stated, as having been reinterred in the congregation's cemetery on 21st street, just west of Sixth Avenue. An examination, recently made by the writer, of the stones in the part of the cemetery where the reinterments were made, failed to disclose any stone there with the name of DeLucena thereon. Some of the stones there, seen by the writer, over those reinterred, contain other inscriptions than the names and dates. These other data have never been printed.

The day and month of death, in the list of disinterments, were probably taken from the record of deaths in the memorial list in the "Register" for 1759 to 1834, and the year added on a guess or through an error in transcription if on the stone, or on a misreading of the same. In the congregation's archives there is no other record, than above mentioned, of DeLucena's death, nor indeed any other reference to him.

It should be remembered that there were two people named Abraham DeLucena in the early history of the Jews in New York. Neither of them has been known to us to have had the middle name Haim which is first mentioned in the list just referred to. The middle name, however, is not important in the present consideration. We

see how various pieces were carved out and what became of each piece, and whether a piece went to the Jews, if any was left not granted nor belonging to private owners. On such an examination it should be borne in mind that the land granted

know of no other Abraham DeLucena than these two in the early history of the Jews in New York or even in their later history. The first one of that name was among the arrivals who came to New Amsterdam in 1655. The last printed reference to him appears under date of September 11, 1663. See "Records of New Amsterdam," vol. iv, p. 299. This is a year later than the date given in *Publications, supra,* No. 18, p. 59. The writer found, however, a manuscript reference in a record dated New York, October 2, 1676, or seven years after the date of death given in one of the lists above referred to. That reference is in a subpœna addressed to Abraham Lucena and others, all of New York City, to appear as witnesses in a case between Daniel deHaart, as administrator of the estate of Balthazar de Haart, deceased, and Jacob Teunis deKay and others, executors "in trust to the will" of Balthazar deHaart. See "N. Y. Colonial MSS.," vol. 25, p. 189a, in New York State Library. Though there the name is clearly given as Lucena the one known as DeLucena is meant, as he is elsewhere, in the printed records of New Amsterdam, also spoken of Lucena. Other members of the family, Moses and Jacob, are sometimes described in such records as Lucena, though known as of the DeLucena family of the early days.

The other Abraham DeLucena became first prominent in the colony about 1700 and continued there until about September, 1725. His will was then admitted to probate in New York, indicating his death about that time. In the will his wife, Rachel, is named as executrix. See Liber 10 of Wills, New York County, p. 73, and abstract in *Publications,* No. 23, *supra,* p. 150. The exact date of Abraham's death is not known. He is noted in the manuscript colonial records as alive sometime in 1725, and his wife Rachel is noted there as acting as executrix in litigations relating to the estate. He was the Jewish minister in New York for many years, and was well known in the community and prominent in commercial affairs. *Publications, supra,* No. 3, p. 85, and unprinted records. This man, the minister, is not mentioned in the colonial records before about 1700, and could hardly have been the one who came to New Amsterdam as a merchant in 1655, or about seventy years before 1725. There is no contemporary or official reference to his death in 1725 in any of the

to the Jews by the Dutch was "free," meaning unappropriated land belonging to the Dutch West India Company, and that that company or its representatives here could not give or sell to the Jews any land in the neighborhood belonging to any

congregation's extant original records. These, as stated, begin only in 1728.

It is reasonable to believe that the reference, in their 1855 and 1856 record of disinterments, to an Abraham Haim DeLucena as having died Menahem 25, 5429, which may have been intended for 5485 (the Hebrew letters being probably misread in 1855 on an old worn away stone), as the congregation had an original record of only the Abraham DeLucena in the memorial list, was to the minister who lived close to the time when the extant original records began. This view is corroborated by the entry of the name Rachel DeLucena immediately following, which must have been intended for his wife. The name of the wife of the first Abraham DeLucena is not stated in the colonial records. See *Publications, supra,* No. 18 *passim.* The congregational records contain no reference to any of the first Jews who arrived in the colony in 1654 and the few decades later.

It is most unlikely that the entry, in the trustees' minutes, where the name occurs with the year added, should relate to Abraham De Lucena or Abraham Haim DeLucena of the early emigration. That man was apparently unknown to the later generation and, as just remarked, is not mentioned in any way in any of the congregation's records. There could not have been an intention to remember him on memorial days, especially as the memorial lists do not mention any of the Jews who were in the colony before 1680. None of those there before 1680 was personally known to any of the congregation in 1759, when the first entries or lists of the dead were made or copied. None of the names on stones covering the period before 1700 is preserved in the memorial lists.

For the later Abraham DeLucena, or Abraham Haim DeLucena, their former minister, who was known to many of the members living in 1759, there would naturally be said prayers after his demise, rather than for the first one of that name. If the first one, who came in 1655, had been intended for memorial services, there necessarily would also have had to be preserved, as well, for such services the name of the second one, the former minister and prominent in the community. There is, however, no mention in the congregation's

private owners to whom a conveyance had already been made. This tracing can be done, though it is a little difficult because of the vagueness of the old descriptions and because all the old land records are not kept together in one city, some being in Albany and some in New York.

If it should appear that for some years before the grant of 1656, the company had no title to any land on this site or in its neighborhood, it would clearly prove that the Jews did not get any land at this particular spot from the Dutch.

If all the land in this region belonged to private owners, the company certainly could not have granted any of it to the Jews in 1656 for a burial place, nor for any other purpose, as part of its "free" land, as mentioned in the Dutch record relating to the grant.

If this very spot can be shown to be traceable to private ownership before 1656 it disposes of any claim of a Dutch grant at that time.

The following is the chain of title, with explanatory comments:

1. The first grant of land that included, within its dimensions, what was later known as the Jewish burying ground as it existed in 1729, was made by a ground brief or Dutch patent from the Dutch West India Company, through Governor Petrus Stuyvesant, to Wolphert Webber, April 2, 1650. This ground brief is not of record, nor is a copy extant, but it is fully referred to, identified, and the description in it of the land, with date of patent and a reference to its issue, given, in a confirmatory patent by the English Governor Francis Lovelace, June 18, 1670, to Webber's widow, and in later

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records of two Jews named Abraham DeLucena or Abraham Haim DeLucena, for whom such prayers were to be said, or for any other purpose. It cannot be claimed that the name in the memorial lists is for a different man than the one in the list of disinterments. The month and day of death are the same in both lists.

The seeming evidence of a burial on the New Bowery ground before 1682 may therefore, from what appears in this note, be disregarded, as being without basis.

instruments, including a confirmation by Governor Thomas Dongan. The description reads, following the old spelling in the Lovelace patent, as follows:

A patent graunted upon ye 2d day of Aprill 1650 by ye Dutch Gouvernour Petrus Stuyvesandt unto ye said Wolphert Webber for another piece of land upon this Island lyeing beyond ye Fresh Water betweene ye Land of Cornelijs Jacobs Stillers Land & ye valley or Meadoux ground being in Length from ye beginning of ye Kill alongst ye highway to ye marke wch divides Cornelijs Jacobs Land one & fifty Rod Stretching North East further in Length alongst ye said Stills Land to ye valley forty Rod South & by West alongst ye valley to ye Hooke four & forty Rod Northwest then alongst ye Hills to ye first beginning Eight & forty Rod Northerly.[16]

Murray Hoffman, in his "Treatise on the Estates and Rights of the Corporation of the City of New York," New York, 1862, Vol. ii, pp. 228 *et seq.*, shows, by a diagram and notes, the land covered by this ground brief, and also the land granted by the Dutch West India Company, through its Governors, to adjacent private owners before 1656. His diagram does not pretend to be absolutely correct but gives a fairly approximate representation of the Wolphert Webber tract and adjacent property, and may be consulted for the lay of the land. His explanatory notes are useful, though not always strictly accurate nor complete.

2. Confirmation, June 18, 1670, by Governor Francis Lovelace, to Anneken, relict and widow of Wolphert Webber, of the ground brief of April 2, 1650, by Governor Petrus Stuyvesant to Wolphert Webber for the lands as bounded and described in No. 1 above.[17] The patent recited the fact that the

[16] "Book of Patents," No. 3, p. 93, in Secretary of State's office, Albany, N. Y. A Dutch rod was then about twelve and one half feet.

[17] "Book of Patents," No. 3, p. 93, *supra*. This also confirms a ground brief from Governor Kieft in 1647 to Claes Van Elslandt for another piece of land of twenty-five acres, near Corlears Hook. This is shown on the Hoffman diagram, *supra*, adjacent to the farther side of Stille's land which adjoined Webber's. This was acquired by Webber, according to the confirmation, in 1660. It was not conveyed later to William Merrett, mentioned in No. 6 below.

rights and estate of Wolphert Webber devolved, on his decease, upon his widow Anneken.

3. Anneken, widow of Wolphert Webber, November 11, 1670, conveyed to Abram Lamberts Mol the premises confirmed to her June 18, 1670, by Governor Lovelace. On March 9, 1670-71, an entry of the transfer was made in the record book, under the old method of recording, which did not give a copy of the deed. She then acknowledged that she had made the conveyance.[18]

4. Abram Lammerts Mol, December 28, 1670, conveyed the same premises to Aernout Webber by a reference to the deed to him. An entry of this transfer was likewise made March 9, 1670-71, and comes after the record of the last named deed.[19]

5. Aernout Webber, May 1, 1680, conveyed to Laurens Colvelt the premises mentioned in the deed considered in No. 6 below. He described his interest as that conveyed to him by Abram Lammertsen Mol, his conveyance being endorsed on that made a few days later by Colvelt to William Merrett, described in No. 6 below.[20]

6. Laurens Colvelt, May 4, 1680, conveyed to William Merrett the premises as described by metes and bounds in No. 1 above, and referred to such premises as formerly the property of Wolphert Webber.[21]

In none of the foregoing deeds, Nos. 1 to 6, is any mention made of any burying ground on or near the premises conveyed.

7. William Merrett and Margery his wife, in 1682, conveyed to Joseph Bueno a part of the land beyond the Fresh Water, which had been acquired by him from Laurens Colvelt. No copy of this deed can be found. It was not recorded. Our reference to it is as a deed executed in 1681-2, which, according

[18] Liber of Deeds, 1665-1672, p. 122, in Register's office, New York County.

[19] *Ibid.*, p. 123.

[20] Book of Deeds, No. 6, p. 172, in Secretary of State's office.

[21] *Ibid.*, p. 170. No other land was conveyed by this deed.

to the old style of reckoning the year at that time, would bring the date between December 31, 1681, and March 25, 1682.

The conveyance is described in the opinion of John Tabor Kempe, already quoted, given in 1772, as of land beyond the Fresh Water, and is referred to in the receipts of the officials of the Congregation Shearith Israel in the City of New York, of 1774 and 1784, also quoted above. Its existence is also implied in the deed from Merrett to William Janeway of May 10, 1698, described in No. 9 below. The dimensions, according to the survey of 1729, reproduced in facsimile further on under No. 14, and given approximately in the Kempe opinion, were 54 by 56 by 54.5 by 54.75 feet. According to the description given in the Kempe opinion liberty of passage from the highway to the land sold was also granted, so as to permit the carrying of the dead to it, showing that the land was not next to the highway. The additional land adjoining, purchased by the Jews in 1729 and described under No. 14, ran to the highway, and the right of passage to the old ground became merged in the purchase.

8. William Merrett obtained from Governor Thomas Dongan a patent, dated November 26, 1686, confirming to him the tract granted by Governor Petrus Stuyvesant to Wolphert Webber April 2, 1650, describing the lands by metes and bounds and referring to "divers conveyances in the law from the assigns of said Wolphert Webber" to Merrett. No reference to any burying ground appears in this patent. It is thought well to give here a copy of the description in this confirmation, in which the word "hook" is changed to "corner or angle" in one of the bounds. This reads as follows:

One certaine Peece of Land Scituate & being upon the Island Manhattans on the further side of the ffresh Water Lyeing betweene the Land of Corneliss Jacobse Stille & the Valley or Meadow Ground being in Length from the beginning of the Run or Creek along the High way North East to the marke which Divides Cornelis Jacobsons Land one & fifty Rodd thence in Length along

the said Stilles Land to the Meadow South & by West forty Rodd thence along the Meadow to the Corner or Angle North West fouer & forty Rodd & thence along the Hills Northerly to the first beginning Eight & forty Rodd.

The dimensions here are the same as in the ground brief of 1650.[22]

9. William Merrett and Marjory his wife, May 10, 1698, conveyed to William Janeway the tract confirmed to him by Governor Dongan, reciting that confirmation and describing the premises as in the Dongan's patent.[23]

This deed also conveys another parcel of land amounting to four acres, described as on the southwest side of the aforesaid Fresh Water and on the east southeast side of the chalkey hooke and near and adjoining another lot of land also conveyed by the deed. That other lot, conveyed by this deed, is of interest to us as also containing a burying ground. It is described as a lot

lying on the edge of the hill near to the said fresh water running South East by the Sd Edge of the hill Eight rods Square, containing one Quarter of an acre and twenty four rode.

In this deed there is a covenant by the grantors that the premises conveyed are free from

all manner of former or other gifts, grants, bargains, sales, leases, mortgages . . . . other titles, troubles, charges, demands, bargains and incumbrances whatsoever, had, made, committed, omitted or done by said William Merrett, his heirs or assigns or by any other person or persons whatsoever lawfully claiming by, from or under him;

And then comes this important exception:

the quit rent which from henceforth from time to time for or in respect of the premises shall grow due and payable unto his Maj^{ty}. his heirs and Successours and the Jews burying place & burying vault of the family of William Demijer deceased only Excepted and foreprised.

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[22] "Book of Patents," No. 6, p. 64, in Secretary of State's office. No other land was confirmed by this patent.

[23] "Book of Patents," No. 9, p. 474, in Secretary of State's office.

The fact that Merrett excepted here the Jewish burying ground from any acts done by him shows that he had owned that ground, as there is no reference, in prior deeds, to any burial ground thereon, and it has been shown, from the Kempe opinion and receipts quoted, that he had made a deed (not recorded) of that ground to Joseph Bueno. Had the Jews owned a burying ground on the Merrett land before he took title, the deed to him would necessarily have made reference thereto. The absence of such reference in the prior deeds, and its inclusion in the deed from him, would seem to prove that the Jewish burial ground mentioned in the Merrett deed was taken from property he had owned after his purchase, May 4, 1680, and therefore could not have been that granted by the Dutch before then, or in 1656.

The description, in the Merrett deed, of the small lot of one quarter of an acre and twenty-four rods is exactly the same as that given in a patent from Governor Andross to Nicholas Demyre, dated September 29, 1677, "for a lot to sett a windmill upon." [24]

A survey of the land patented to Demyre was made the same day by Robert Ryder, surveyor, under order of the Governor, and in his report the land is described as in the patent filed in the Secretary of State's office.[25] No diagram is attached.

On what date Demyre conveyed this lot to Merrett does not appear, as there is no record of the transfer. The lot was outside of the Wolphert Webber plot which is described in the Merrett deed as being conveyed in addition thereto. On that lot was the family vault of the Demyres, William being the son of Nicholas. The windmill referred to in the patent must have been erected, as it and the vault are mentioned in deeds made in 1691 by William DeMyer to his brother Henry and two sisters, to each of whom was granted, by those deeds,

[24] "Book of Patents," No. 4, p. 126, in Secretary of State's office.

[25] See "Land Papers," vol. i, p. 131, now in New York State Library, formerly in Secretary of State's office.

one third of the windmill near the Fresh Water, with the ground belonging thereto (the burying place near the mill excepted).[26] This identifies the William Demyre family vault mentioned in the deed of Merrett to Janeway, of 1698.

The windmill is said to have stood just west of the Jews' burying ground.

The exception, in the Merrett deed, about the Jews' burying ground is not referred to by Daly in considering that deed. He erroneously, at pages 40 and 42 of his book, attributed this exception and the one relating to the Demyre vault to conveyances to Noy Willey, considered under No. 13 below.

10. William Janeway, December 5, 1699, mortgaged to Teunis DeKey, Jacobus DeKey and John Corbett, the tract here in question, together with the other two tracts sold to him by Merrett.[27] No reference to the Jews' burying ground or to any excepted land appears in this instrument.

11. William Janeway, March 15, 1699-1700, made another mortgage on the same tracts to Noy Willey, but without mentioning in it the prior mortgage he had made to the DeKeys and Corbett.[28] This mortgage was not recorded until 1731. It contains no reference to the Jewish burying ground and did not except any land from the lien of the mortgage.

12. William Merrett, on August 7, 1701, executed to Joseph Bueno a confirmatory deed of the land he had conveyed in 1682, to which deed reference is made in the opinion of John Tabor Kempe of 1772, already quoted from.[29] The exact language of that confirmatory deed has not come down to us. Why it was required is not stated in Kempe's opinion. We can reasonably surmise that it was because the Jews had become

[26] Liber 18 of Conveyances, pp. 134, 137, 165, in Register's office, New York County.

[27] Liber 23 of Conveyances, p. 113, in Register's office, New York County. This was recorded the same day.

[28] Liber 31 of Conveyances, p. 399, in New York Register's office.

[29] *Supra,* p. 82.

aware of the two mortgages by Janeway and of the fact that these did not except the Jewish burying ground, as the Merrett deed to Janeway had done; also, they may have been advised that the Merrett deed to Janeway, conveying as it did, in the description, the whole tract, might, despite the exception in the covenant against incumbrances, leave a doubt on the Bueno title since the Bueno deed had not been recorded and the dimensions of the burying ground were not stated in the Merrett-Janeway deed, and that it was desirable to have a confirmatory deed to Bueno to remove any doubt. Any further possible doubt was removed later by the conveyance described under No. 14, below, made to the Jews by Noy Willey, the then record owner of the Wolphert Webber tract. The second deed to Bueno, for some unexplained reason, was also not recorded.

13. Noy Willey acquired the rights of William Janeway in the premises in question by virtue of the Janeway mortgage to him above mentioned and of transfers to him of the interests of the DeKeys and Corbett conveyed under the mortgage to them mentioned in No. 10 above. Only the transfer of the interest of Teunis DeKey in the first mortgage was recorded. This was made by his widow Helena, as executrix of his will, on July 22, 1729. No mention of either burying ground appears in this transfer.[30] The transfer to Willey of the interest of the other mortgagees is recited in a deed from Willey to Christopher Bancker, dated July 31, 1731, to be soon referred to. The transfer by Jacobus DeKey, though not recorded, is given in the Bancker deed as dated June 4, 1729, and that of the interest of John Corbett as having been made by his widow and executrix.

The acquisition of Janeway's title, through these mortgages, was made under the authority of an act of Parliament, 4th and 5th William and Mary, chapter 16, passed in 1694. That act declared that where an owner of land gave a second

[30] See Liber 31 of Conveyances, *supra*, p. 409.

mortgage thereon, without disclosing to the mortgagee, in writing under his hand, that he had given a prior mortgage on such land, such second mortgage would be free from all equity of redemption and be as though it had been an absolute purchase, and the second mortgagee could redeem the first mortgage upon payment of the principal debt; in other words, the mortgagor would lose all right to redeem and his title would vest in the second mortgagee on the latter paying off the first mortgage. A recital of this act of Parliament to show title, and of the various transfers to Willey, appears in the deed from Willey to Christopher Bancker, July 31, 1731, just mentioned and to be again referred to.[31]

The fact that the first mortgage had been recorded several months before the second mortgage was made seems, under the law at that time, not to have been notice, as now, to the proposed second mortgagee to put him on his guard to refuse to take the new mortgage, or, taking it, to save the mortgagor's right to his equity of redemption.[32]

[31] Liber 37 of Conveyances, p. 138, in Register's office, New York County.

[32] Daly is in error in stating, p. 40 of his book, that the transfers to Willey excepted the Jews' burying ground and the DeMyre vault. These exceptions appear only in the deed from Merrett to Janeway, *supra.* He is also in error in referring, on the same page of his book, to Janeway as having died in 1726 , and to a release from the latter's heirs to Willey. Liber 7 of Wills, in New York County, p. 485, show the probate of Janeway's will in 1700. No release from his heirs to Willey is on record, nor is it referred to in any instrument. Daly's citation of authority on that point, when examined, is found to relate first to the Merrett deed to Janeway, *supra,* on record in Albany, which he apparently did not examine closely if he ever saw it, citing it probably from a reference to it by others, and secondly, to Willey instruments which do not mention that fact. The same error as to a supposed release by the heirs of Janeway is made by Hoffman, in his "Estates and Rights, etc.," *supra.* p. 229, its date being given as March 15, 1699 which was before the death of Janeway and was the date of his mortgage to Willey. The mortgage was in the form of a lease and release, in the old system of conveying title, under the

14. Noy Willey,[22] December 17, 1729, through his attorney in fact, Richard Davis, conveyed part of the premises he had acquired, as stated in No. 13 above, to Luis Gomez, Mordecay Gomez, Daniell Gomez and David Gomez,[24] for the stated consideration of the sum of £30. He first made a contract for its sale through Davis.[25] This reads as follows:

Memorandum the 16th day of December 1729, Richard Davis has bargained & sold one Lott of Land Lying at the fresh Water to begin from the Fence at the Jews Burying Place & the breadth of

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statute of uses, and the reference by Daly to a release by the heirs of Janeway, related to this release on the conveyance by way of mortgage. All this confusion probably arose because Daly and the other writers did not verify their notes when composing their theses, and without such verification did not recall what their notes meant.

Hoffman gives March 15, 1699 also for the "recital of an act of Parliament and virtual foreclosure," which he should have included in his next item relating to the Bancker deed.

Valentine's "Manual" for 1860, p. 555, also gives a reference to the act of Parliament.

Daly also, p. 40, refers to Liber 18, pp. 166 and 167, in speaking of the Demyre vault, as though it related to the Willey deeds. It does not do so, but, as stated under No. 9, *supra*, relates to a division of the Demyre estate in their neighborhood in 1691 when the vault was expected. That property, as stated, was not part of the original Wolphert Webber tract of 1650. Daly erroneously, at p. 42, cites this liber and these pages, which relate to the partition of the DeMyre estate and which excepts the Demyre vault, as though they also excepted the Jewish burial ground. Liber 18 does not mention the Jewish burial ground.

[23] The first name appears on the record as Noy, and not as Roy as has been thought to be the correct spelling. The original deed, preserved in the archives of the congregation, gives the first name, in the body as well as in the signature by the attorney in fact, as Noy. The letter "R," as in Richard, is made differently. In various powers of attorney from Willey the first name is given in the records as "Noy," though later, in the Bancker deed, in the recopied liber, the original liber not being extant, the name is given as Moy and Roy.

[24] Liber 31 of Conveyances, p. 319, in New York Register's office.

[25] Original in the archives of the congregation.

the same, to the road direct to the Bowry road, for twenty five pounds Currency of New York, and the Burying Place aforesaid to be measured with the said Lott and to be paid for, according to the measure of the said Lott, running down to said Bowry road, To Lewis Gomez, Mordiyhe Gomez, Daniel Gomez & David Gomez, for wch the sd Richard Davis has received six shillings earnest, and for which I the said Richard Davis do promise to give a Deed of Sale of the whole. Witness my hand.

Witness Rd. Davis (L. S.)
(Name undecipherable)
Jno McLennan.

On December 18, 1729, a survey of the land used and intended to be used for a cemetery was made for the Gomezes by Cornelius Lodge, a city surveyor.[36] It showed clearly the situation of the old and new pieces, distinguishing the two by a separating line. The measurements of the new piece, as shown by this survey, were 51.75 by 392 by 51.75 by 313 feet. The old piece was 51.75 by 54.5 by 56 by 54 feet. The old piece did not run to the highway but was 392 feet from it on one side and 33 on the other. The figure 331 on one side of the diagram was erroneously written for 313, judging from the explanatory note on the survey and from the description in the deed. The deed is dated December 17, 1729, and was acknowledged on the 19th of that month when payment is noted as having been made. It was recorded March 11, 1729-30.[37]

The description in the deed, as compared with the original, preserved in the archives of the congregation, reads as follows:

All that Tract or Lott of land Situate, Lying and being on Manhattan Island in the City of New York, on the south side of the ffresh water being part of a Larger Tract of Land which was sold by William Merrit to William Janeway, since Deceased, & by said William Janeway (in his life time) to the said Noy Willey, his heirs & assigns for ever, and is butted & bounded as follows: vizt. Beginning at the South east Corner of the Jews Burying Place, running three hundred & ninety two feet north seventeen degrees west to

[36] *Ibid.*
[37] Liber 31 of Conveyance, p. 319, *supra.*

the Highway; thence along the Highway North 69 Deg. E: fifty one foot & three quarters; thence South 17 degrees east three hundred sixty seven feet; thence South 69 degrees west fifty six foot to the place where it first began, containing in the whole (the place called or known by the Jews burying place being included) about sixty seven perch or thereabouts, be the same more or less, all English measure, be the same more or less.

It was probably to avoid any question as to the title to the ground which had already been used as a burying ground, and because the deed to Bueno had not been recorded, that it was deemed advisable to have Willey include in his deed a conveyance of the plot sold to Bueno by Merrett in 1682. Willey, or his agent, Richard Davis, acting for him in New York, was no doubt convinced that he had no title thereto as against the Bueno deed and in view of the exception in the deed of Merrett to Janeway through which Willey derived his title. The plot being filled with dead bodies was of no commercial value. The contract called for the inclusion, and the purchase price was apparently satisfactory to the seller. The contract called for the payment of £25 as the consideration for the sale, while the deed recited a consideration of £30. The difference, £5, must have been the monetary inducement to Davis, acting for Willey, to include the old cemetery land, which is referred to in the contract as to be measured and paid for.

15. Willey, July 13, 1730, sold to Benjamin Price, who was one of the witnesses to the deed to the Gomezes, another part of the land he had acquired, adjoining the burying ground. That deed is not of record but is mentioned in the conveyance of Willey to Christopher Bancker of 1731, already referred to, of the remaining portion of the property. In the Bancker deed the whole of the original Wolphert Webber plot of 1650 is transferred by metes and bounds as in the original ground brief, and then an exception is made of the land conveyed to the Gomezes and Price, describing the same by references to the dates of the deeds to them. How much went to Price and how much to Bancker is not determinable from this deed. No

later deed from Price or from Bancker appears on record. No reference to the Demyre vault appears in this Bancker deed, as the Demyre property had not been conveyed to Willey through the Janeway instruments.

16. On November 24, 1730, Lewis Gomez, Mordecay Gomez, Daniell Gomez and David Gomez executed a bond, recorded December 29, 1730,[38] to Abraham Isaacs, Jacob Franks and Nathan Levy (who were officers of the Jewish congregation), in the sum of £1,000, in which the deed from Willey to the four Gomezes, with the full description was recited, the consideration therefor being stated as £30, and in which the following declaration was made:

> And Whereas the aforesaid consideration money, being a voluntary offer made by them, the said Lewis, Mordecay, Daniell and David Gomez, which they appropriated to purchase the above said pieces of land for a burying place for the use of the Jewish nation in general, which title being in their names in trust, now, if therefore the above bounden Lewis, Mordecay, Daniell and David Gomez or their heirs shall not sell or any way impair the aforesaid lot of land, or any part or parcel thereof, but that the same shall forever hereafter remain to no other use whatsoever, then this obligation to be void and of none effect, otherwise to remain in full power, force and virtue.

Through this declaration of trust, as well as through a conveyance to it by Isaac Gomez, Junior, dated April 18, 1828, and recorded in Liber 247 of said Conveyances, at page 210, and through other sources, the Congregation Shearith Israel in the City of New York derives its title to the burying ground on New Bowery in New York. The original Willey deed being, under the old New York law, to the Gomezes as joint tenants, and not as tenants in common, the title, on the record

[38] Liber 31 of Conveyances, p. 373, in the Register's Office, New York County. Witnessed by Baruch Judah and Zachariah Pollock who proved the execution for record before Francis Harison, one of his Majesty's Council for the Province of New York, they giving their oath upon the five Books of Moses, being after the manner of the Jews, that they saw the Gomezes sign, seal and deliver the bond or obligation as their voluntary act.

(the old Bueno deed of 1682 not having been recorded), stood in the name of the surviving grantee whose sole surviving descendant in 1828 was Isaac Gomez, Junior. His right to make the conveyance to the congregation was affirmed, in view of the declaration of trust of November 24, 1730, above mentioned, in an opinion of the court in an action in 1850 by another member of the Gomez family against the Tradesmen's Bank, a purchaser from the congregation of part of the Willey grant not used for cemetery purposes, such use being at the time of the sale forbidden by the city.[39]

Independently of these authorities it was also the opinion of eminent counsel, James Kent, the Chancellor, given February 18, 1829, as counsel, to be found in the archives of the congregation, that the congregation, under the charter rights granted by the State to it as a religious corporation in 1784, passed April 6, 1784, and its certificate of election of trustees of June 1, 1784, duly recorded, succeeded to the rights of all the Jews in New York as to this burying ground land, the congregation standing in the place of the trustees mentioned in the Gomez bond of 1730; which title was considered as made unassailable through the confirmatory deed of Isaac Gomez, Junior, of 1828.[40]

Regarding the adjoining tracts, it may be said that a general view of these may be obtained from Hoffman's work, *supra,* which at pp. 228 to 238 gives details regarding the deeds covering those adjoining tracts. This must be supplemented by further references to deeds and patents on record in New York and Albany, correcting some of Hoffman's statements. Through these the holdings of the original owners, all acquired before the Jews came to New York, in 1654, can be

[39] See 4 Sanford's New York Superior Court Reports, p. 102 *et seq.*

[40] *Cf.* also *Publications, supra,* No. 21, pp. 187 to 190; and No. 27, pp. 268, 269, 296, 299 to 301. Compare also Daly, *supra,* p. 43, who could not see how the congregation had title to convey to the Tradesmen's Bank. He did not seem to have considered the rights coming to the congregation, as suggested above.

traced by any one interested and the separate pieces defined approximately. All such land was sold by the Dutch West India Company before 1656 and was therefore not "free" land then belonging to the company, and could not therefore have been granted nor sold to the Jews by the Dutch in 1656.

A year before the Willey deed to the Gomezes, or on June 9, 1728, a reference was made to the northeast corner of the Jewish burying ground, meaning, of course, impliedly, the old Bueno tract mentioned above, as the Gomezes had not then made their purchase. This reference occurs in a deed from the heirs of Cornelius Jacobson Stille who owned the land adjoining the Wolphert Webber tract.[41] No other deed besides the one from Merrett to Janeway, from any grantor of land adjoining the Jewish burial ground, executed before the Gomez deed of 1729, makes reference to such burial ground.

It should be remarked that there is no record of any tombstone on the ground in question prior to 1683, in which year Benjamin Bueno de Mesquita was buried there.[42] He is said to have been the father of Joseph Bueno whose full name, according to his will, was Joseph Bueno de Mesquita.[43] Benjamin's tombstone is the oldest extant on this ground.[44]

Daly, pp. 37 and 39 of his book, refers to the patent of Stuyvesant to Wolphert Webber of 1650 and to the fact that the Jews' burying ground was on land covered by that patent. He adds, that the burying ground was acquired through the Merrett and other deeds of title derived through Wolphert Webber. It is therefore curious that as a lawyer, accustomed to searching titles, he should have argued as he did and should

[41] Liber 33 of Conveyances, p. 21, *supra*. Deed of Van Schaick to Rutgers. *Cf.* Hoffman, *supra*, vol. 2, pp. 228 and 235. *Cf.* also Valentine's "Manual," for 1860, pp. 556-7. After the sale the property became known as the Rutgers land. The part adjoining the Jewish cemetery is shown on the Lodge survey of 1729, reproduced above.

[42] See *Publications, supra*, No. 18, p. 95.

[43] *Id.*, No. 23, p. 149.

[44] *Id.*, No. 18, p. 95.

not have made the obvious inference that the Dutch could not, after they had ceased to have title to the land in 1650, because of their patent to Webber in that year, which he cited, have granted or sold a portion of the same land to the Jews for a burial place in 1656, nor at any other time after 1650. After 1650 Webber held the title until his death, about 1670, when the confirmation was made to his widow. In Daly, the lawyer was lost in the historian with a theory.

From what has been shown it is quite clear that the Jewish burying ground on New Bowery, not being of the free land belonging to the Dutch West India Company in 1656, did not include the site of the land granted by the Dutch to the Jews in that year, and everything to show that such site was not, as has heretofore been claimed, on the existing burying ground.[45]

[45] See I. N. Phelps Stokes, "Iconography of Manhattan Island," vol. iv, New York, 1923, the *Chronology, sub dato* December 17, 1729 and cross-references, for the writer's contribution on the subject of this burying ground, outlining in very brief substance what has been above set forth.

THE DOCTRINE THAT "CHRISTIANITY IS A PART OF THE COMMON LAW," AND ITS RECENT JUDICIAL OVERTHROW IN ENGLAND, WITH PARTICULAR REFERENCE TO JEWISH RIGHTS.

By Max J. Kohler, A.M., LL.B., D.H.L.

During the World War a very important and interesting decision was handed down by the House of Lords in England. (This tribunal, the highest appellate court in England, is composed of four lords of appeal in ordinary and of peers holding or who have held high judicial offices, although, in theory, the entire house is presumed to sit.) This overruled many earlier cases in the lower courts, which had held that "Christianity is a part of the common law." Everyone was so much occupied with military questions that this decision almost wholly escaped attention on both sides of the Atlantic. Incidentally it removed the prop on which a number of cases decided in England and the United States had rested. These had limited or curtailed the rights of the Jews, particularly prior to the British enabling acts of Queen Victoria's reign, beginning with that of 8 and 9 Victoria *c.* 52, known as the "Jewish Disabilities Removal Act" of 1845, and the Religious Disabilities Act of 1846, known as 9 and 10 Victoria *c.* 56. Similar changes had been effected in the United States by the religious liberty clauses of the federal Constitution and state constitutional provisions adopted generally soon after the Revolutionary War. At the same time this decision works a modification of various conclusions reached by H. S. Q. Henriques in his "The Jews and the English Law" (1908), up to this time by far the largest work on this subject extant. This book had heretofore been criticized from time to time as erroneously treating as sacrosanct various dicta and minor court decisions

curtailing Jewish rights, handed down by less tolerant and liberal-minded judges.

The recent decision referred to, was rendered in the case of Bowman *v.* Secular Society, L. R. (1917) Appeals Cases, 406, and in it Lords Dunedin, Parker, Sumner and Buckmaster, the highest judges of England, concurred in the holding, despite numerous precedents, that a bequest to the secular society in question, whose object involved the dissemination of literature containing a denial of the principles of Christianity, is not illegal. Lord Chancellor Finlay dissented. Soon afterwards the same court took the further logical step of holding in Bourne *v.* Keane, L. R. (1919) Appeals Cases, 815 (reversing the lower court and numerous earlier decisions), that a bequest for masses is legal. Probably the ablest exposition of the reasoning in the Bowman case, by which the majority of the court reached its conclusion, is to be found in the opinion of Lord Sumner, who said (pp. 464-7):

My Lords, *with all respect for the great names of the lawyers who have used it, the phrase "Christianity is part of the law of England" is really not law; it is rhetoric, as truly so as was Erskine's peroration when prosecuting Williams: "No man can be expected to be faithful to the authority of man, who revolts against the Government of God." One asks what part of our law may Christianity be, and what part of Christianity may it be that is part of our law? Best, C. J., once said in Bird v. Holbrook, 4 Bing., 628, 641 (a case of injury by setting a spring-gun): "There is no act which Christianity forbids, that the law will not reach: if it were otherwise, Christianity would not be, as it has always been held to be, part of the law of England"; but this was rhetoric too.* Spring-guns, indeed, were got rid of, not by Christianity, but by Act of Parliament. *"Thou shalt not steal" is part of our law. "Thou shalt not commit adultery" is part of our law, but another part "Thou shalt love thy neighbor as thyself" is not part of our law at all. Christianity has tolerated chattel slavery; not so the present law of England.* Ours is, and always has been, a Christian State. The English family is built on Christian ideas, and if the national religion is not Christian, there is none. *English law* may well be called a Christian law, *but we apply many of its rules and most of its principles, with equal*

justice and equally good government, in heathen communities, and its sanctions, even in courts of conscience, are material and not spiritual.

Frequently as the proposition in question appears in one form or another, it is always as something taken for granted and handed down from the past rather than as a deliberate and reasoned proposition. It constantly has been used in charging juries as to *unmistakably scurrilous words,* where there was neither opportunity nor occasion for defining the limits of legitimate religious and irreligious opinion. I question if the foundations of the *criminal law of blasphemous libel* were ever fully investigated in any Court before Ramsay's Case, 15 Cox C. C., 231. Even then Lord Coleridge passed over numerous decisions. To be sure his omissions were faithfully dealt with soon afterwards by Stephen, J., one of his own puisnes, in a popular periodical, *Fortnightly Review,* vol. 41, p. 289, and this paper your Lordships allowed Mr. Talbot to read as part of his argument, to which, nevertheless, it added nothing either in learning or in cogency. *Such observations, too, have often been employed by judges of first instance in cases relating to charitable trusts,* where there was equally little need for any analysis of the proposition or for discussion, either historical or juridical, of its implications. It is fairly clear, too, that *men of the utmost eminence have thought, and said advisedly, that mere denials of sundry essentials of the Christian faith are indictable as such.* Hawkins, in his Pleas of the Crown, bk. i, ch. 26, p. 358, says that " all blasphemies against God, as denying His being . . . . " as well as " all profane scoffing at the Holy Scripture " are punishable offences, and adds as the reason for punishing the latter that offences of this nature " tend to subvert all religion or morality, which are the foundation of government." Blackstone, bk. iv, p. 59, describes a class of " offences more immediately against God and religion " consisting in " blasphemy against the Almighty, by denying his being or providence " or " contumelious reproaches of our Saviour Christ," and refers to this head " all profane scoffing at the holy scripture or exposing it to contempt and ridicule." Probably few great judges have been willing to go further in questions of religious liberty than Lord Mansfield in his eloquent address to this House in Evans *v.* Chamberlain of London, 2 Burn's Eccl. Law, 218. Yet there he says: " The eternal principles of natural religion are part of the common law: The essential principles of revealed religion are part of the common law; so that any person reviling, subverting, or ridiculing them may be prosecuted at common law." Again, the very careful

Commissioners on the Criminal Law, of whom Serjeant Starkie was one and Sir William Wightman another, observe in their Sixth Report, p. 85: "Although the law distinctly forbids all denial of the being and providence of God, or the truth of the Christian religion . . . . it is only where irreligion assumes the form of blasphemy, in its true and primitive meaning, and has constituted an insult both to God and man, that the interference of the criminal law has taken place." Nevertheless it seems to need no citation of authorities (the opinion of the majority of the Judges in your Lordships' House in Shore *v.* Wilson, 9 Cl. & F., 355, having been fully discussed) to show that a temperate and respectful denial, even of the existence of God, is not an offence against our law, however great an offence it may be against the Almighty Himself, and, except for Cowan *v.* Milbourn, L. R. 2 Ex., 230, it has never been decided outside of the region of charitable trusts that such a denial affects civil rights. I cannot bring myself to think that it does so. What after all, is really the gist of the offence of blasphemy, or of its nature as a cause of civil disability? Ribaldry has been treated as the gist, which must be a temporal matter; as between creature and Creator, how can the bad taste or the provocative character of such a denial come into question? The denial itself, not the mode of it, must be what merits the Divine anger; but that is an offence against God. Our courts of law, in the exercise of their own jurisdiction, do not, and never did that I can find, punish irreligious words as offences against God. As to them they held that *deorum injuriae dis curae*. They dealt with such words for their manner, their violence, or ribaldry, or, more fully stated, for their tendency to endanger the peace then and there, to deprave public morality generally, to shake the fabric of society, and to be a cause of civil strife. The words, as well as the acts, which tend to endanger society differ from time to time in proportion as society is stable or insecure in fact, or is believed by its reasonable members to be open to assault. In the present day meetings or processions are held lawful which a hundred and fifty years ago would have been deemed seditious, and this is not because the law is weaker or has changed, but because, the times having changed, society is stronger than before. In the present day reasonable men do not apprehend the dissolution or the downfall of society because religion is publicly assailed by methods not scandalous. Whether it is possible that in the future irreligious attacks, designed to undermine fundamental institutions of our society, may come to be criminal in themselves, as constituting a public danger, is a matter that does not arise. The fact that opinion grounded on ex-

perience has moved one way does not in law preclude the possibility of its moving on fresh experience in the other; nor does it bind succeeding generations, when conditions have again changed. After all, the question whether a given opinion is a danger to society is a question of the times and is a question of fact. I desire to say nothing that would limit the right of society to protect itself by process of law from the dangers of the moment, whatever that right may be, but only to say that, experience having proved dangers once thought real to be now negligible, and dangers once very possibly imminent to have now passed away, there is nothing in the general rules as to blasphemy and irreligion, as known to the law, which prevents us from varying their application to the particular circumstances of our time in accordance with that experience. If these considerations are right, and the attitude of the law, both civil and criminal, towards all religions depends fundamentally on the safety of the State, and not on the doctrines or metaphysics of those who profess them, it is not necessary to consider whether or why any given body was relieved by the law at one time or frowned on at another, or to analyse creeds and tenets, Christian and other, in which I can profess no competence. Accordingly I am of opinion that acts merely done in furtherance of paragraph 3 (A) and other paragraphs of the respondent's memorandum are not now contrary to the law, and that the appeal should be dismissed.

A scholarly historical treatment and analysis of the authorities on which the theory that " Christianity is part of the common law," was evolved, is to be found in Lord Sumner's opinion. Both in his opinion and in the opinions of the other members of the House of Lords, some of the leading cases involving the status of the Jews in England before Queen Victoria's Jewish Enabling Acts of 1845 and 1846, and which also proceeded largely on this same principle that " Christianity is part of the common law," were considered, and criticized as erroneously decided. The chief of these Jewish cases were Lord Chancellor Hardwicke's decision in De Costa *v.* De Paz 2 Swanston, 487 note; S. C., Ambler, 228 (1754) and Lord Chancellor Eldon's in *In re* Bedford Charity, 2 Swanston, 470 (1819). Earlier *dicta* of Lord Coke in Calvin's Case, 7 Coke's Rep. 17a (1608) and elsewhere, including

Bohun *v.* Broughton, Y. B., 34 Henry VI, fol. 40 and of Sir Matthew Hale in Rex *v.* Taylor, 1 Vent., 293 (1675), also contained more or less similar holdings to the effect that "Christianity is part of the common law" or that

> infidels including Jews are subjects of the devil and perpetual enemies, with whom and Christians there is perpetual hostility and no peace

and who therefore have no capacity to sue in an English court of law, and were incapacitated for want of religious belief, from testifying in any English court of justice. In our *Publications,* particularly in papers of mine on the "Civil Status of the Jews," in No. 6, and "Phases in the History of Religious Liberty in America with Particular Reference to the Jews, II," in No. 13, and in papers by other writers, a number of these passages were analyzed and considered, for they materially affected the rights of Jews in English and American courts to our day. In the Bowman case the doctrine that Christianity is part of the law was definitely held to be erroneous, with the result that all these earlier cases must now be regarded as having proceeded on erroneous principles. As was said in that case by Lord Sumner (p. 454):

> If that maxim expresses a positve rule of law once established, though long ago, time cannot abolish it, nor disfavor make it obsolete.

In the papers of mine above cited, particularly in the second, I pointed out that Coke's narrow and intolerant theory of 1608 that "Jews are perpetual enemies" and thus to be distinguished by the courts from Christians, was discarded by English courts of law immediately after the readmission of the Jews into England in the beginning of the second half of the seventeenth century. This covered the capacity of Jews to sue and to testify, so that Lord Mansfield, in 1774, interrupted counsel about to quote Coke's view with the comment: "Don't quote the distinction for the honor of Lord Coke." Similarly in 1744-5, Lord Chief Justice Willes said in the

famous case of Omichund *v.* Barker, 1 Atkyns, 21; S. C., Willes Repts., 541; S. C., 1 Smith's Leading Cases, authorizing Gentoos from India to testify in an English court:

I think that even the devils themselves, whose subjects he says the heathens are, cannot have worse principles; and besides the irreligion of it, it is a most impolitic notion, and would at once destroy all that trade and commerce from which this nation reaps such great benefits.

In so far as the "perpetual enemy" principle was concerned, therefore, it and its corollary, the denial of right of Jews to sue and to testify in court, were discarded at once in England with the readmission of the Jews and need not concern us further here. But the supposed incapacity of Jews to serve as witnesses was erroneously applied on occasion in British colonies, and still lingers in some of our states in connection with the supposed right to discredit witnesses other than Christians on the score of their religious belief.

It is with the dogma "Christianity is a part of the law of England" that the Bowman case particularly deals, and this maxim lingered in various ways both in English and American courts until our own day. Passages disapproving of it have already been quoted from Lord Sumner's opinion. He also dealt (pp. 463-4 and 455) particularly with the Jewish case reported as De Costa *v.* De Paz (see Henriques, pp. 19-22), pointing out that Lord Chancellor Hardwicke had said there in condemning as illegal a trust for maintaining a Jewish *Yeshiba,* or assembly for daily reading the Jewish law, and advancing and propagating that religion:

"The intent of this bequest must be in contradiction to the Christian religion which is a part of the law of the land . . . . for the constitution and policy of this realm is founded thereon." . . . . But charitable trusts form a particular and peculiar branch of the law.

Lord Sumner adopted and approved of the opinion of Lord Parker, who analyzed and considered the case just cited, (pp. 442-3, 448 and 450.) His theory was that

trusts for the purposes of religion have always been recognized in equity as good charitable trusts, but so far as I am aware there is

no express authority dealing with the question what constitutes religion for the purpose of this rule.

He expressed doubts as to whether Judaism and certain forms of Christianity were regarded as "religion" within the meaning of that principle, and then points out that the Reformation was followed by a number of penal statutes, enforcing conformity with the Established Church, and imposing penalties on the exercise of any other form of religion, whether Christian or otherwise. As long as these statutes remained in force, no trust for the purposes of any other religion than the Christian, or rather of any form of Christianity, other than the Anglican, was enforcible, because it was clearly against public policy to promote a religion or form of religion, the practice of which was penalized by statute (p. 448). He proceeded to say (p. 450):

> But the case of DeCosta *v.* De Paz, to which I have already referred, is important in this connection. It was decided before the Jewish Relief Act, and Lord Hardwicke held that a trust for the purpose of the Jewish religion was bad on the ground that it was against Christianity and Christianity was the law of the land. It would have been enough to say it could not be enforced on the ground that the practice of the Jewish religion was subject to statutory penalties. On further consideration, however, Lord Hardwicke upheld the gift on the ground that it was for a charitable purpose and that the testator's general charitable intention ought not to be defeated because the fund could not be applied in the way the testator desired. He left it to the Crown to direct a *cy près* application. As I have already said, the Crown applied it for the purposes of the Christian religion. This case seems to show that the Jewish religion is within the equitable rule and that, apart from the statutory penalties, there was never anything inconsistent with public policy in enforcing a trust for the benefit of the Jewish religion. De Costa *v.* De Paz was followed in Isaac *v.* Gompertz. Lord Thurlow there held that a trust for the maintenance of a Jewish synagogue was charitable, and directed an application to the Crown with a view to its *cy près* application.

In the opinion of Lord Buckmaster, De Costa *v.* De Paz and *In re* Bedford Charity were also considered, and the correct-

ness of the former questioned (pp. 471-2) ; but he also referred to Lord Parker's opinion on this particular point and adopted its reasoning. On the other hand, Lord Chancellor Finlay, in his dissenting opinion, laid much stress on and approved these two cases (pp. 428-430), although he joined the majority of the judges in approving of the holding of Lord Coleridge in Regina *v.* Ramsay and Foote, 15 Cox C. C., 231 (1883) (decided immediately after the Bradlaugh Case, 15 Cox C. C., 217), that the law of blasphemy no longer visited fairly-phrased criticisms of Christianity with criminal penalties, and the majority of the court announced their approval of Lord Coleridge's charge to the jury in Regina *v.* Ramsay and Foote, as the basis of their holding.

Unfortunately, there was no adequate exposition by counsel of the correct theories, upon which the rights of the Jews in England after their readmission can be predicated, for otherwise it would not have been intimated that the practice by Jews of their religion in England had subjected them to penalties.

In Bourne *v.* Keane, L. R. (1919) Appeals Cases, 815, in which, despite numerous earlier decisions, a bequest for masses was sustained by the House of Lords, Lord Wrenbury dissenting, the Court went one step further, and reached that conclusion, notwithstanding the fact that its attention was called (p. 824) to the fact that even, in Bowman *v.* Secular Society, Lord Parker had said that a gift for masses was illegal. Various Jewish cases were again discussed, including De Costa *v.* De Paz (pp. 849, 853 and 887), and *In re* Michel's Trusts (pp. 856 and 913).

In Regina *v.* Ramsay and Foote Lord Chief Justice Coleridge in his charge to the jury said :

> New, according to the old law, or the dicta of the judges in old times, these passages would undoubtedly be blasphemous libels, because they asperse the truth of Christianity. But as I said in the former trial (Reg. *v.* Bradlaugh) and now repeat, I think that these

old cases can no longer be taken to be a statement of the law at the present day. It is no longer true in the sense in which it was true when these dicta were uttered, that "Christianity is part of the law of the land." Non-conformists and Jews were then under penal laws, and were hardly allowed civil rights. But now, so far as I know the law, a Jew might be Lord Chancellor (certainly Lord Chief Justice). Certainly he might be Master of the Rolls and the great Judge whose loss we have all had to deplore (Sir George Jessel) might have had to try such a case, and if the view of the law supposed be correct, he would have had to tell the jury, perhaps partly composed of Jews, that it was blasphemy to deny that Jesus Christ was the Messiah, which he himself did deny, and which Parliament had allowed him to deny, and which it was part of "the law of the land" that he might deny. Therefore to asperse the truth of Christianity cannot *per se* be sufficient to sustain a criminal prosecution for blasphemy. And on the ground that in the sense understood by the judges in former times that Christianity is part of "the law of the land" to suppose so is, in my judgment to forget that the law grows. . . . . Therefore to maintain that merely because the truth of Christianity is denied without more, that, therefore, a person may be indicted for blasphemy is a view of the law which cannot be historically justified. . . . . If the decencies of controversy are observed, even the fundamentals of religion may be attacked without the writer being guilty of blasphemy. . . . .

Still, whatever the older cases may have been, the fact remains that Parliament has altered the law as to religion. It is no longer the law that none but believers in Christianity can hold office in the State. Non-conformists are tolerated just as much as members of the Church of England. The state of things is no longer the same as when these judgments were pronounced which, however, have been strained, I think, beyond what they will justly warrant.

It is interesting to observe that, even prior to the decision in the Bowman case, the writer of the article Christianity in the "Encyclopaedia of the Laws of England," 2d edition, vol. iii, p. 57, stated that the doctrine that "Christianity is part of the law of the land," was only qualifiedly true. One of the authorities to the contrary cited by him was Thomas Jefferson's letter to Major Cartwright, in the former's "Life and Correspondence." In this connection see Thomas Jeffer-

son's able argument, " Whether Christianity is a part of the Common Law," in his " Reports of Cases determined in the General Court of Virginia, 1730-1772," Charlottesville, 1829, Appendix. On the other hand, in the article Blasphemy, in 8 Corpus Juris 1119-1120, the doctrine is still laid down (despite Thomas M. Cooley's " Constitutional Limitations " (3d edition, p. 472), that

> the cases generally approve the statement, in connection with the offense of blasphemy, that Christianity, the prevailing religion of the country, is parcel of the law,[1]

citing, among other authorities, the decision of the United States Supreme Court in Vidal *v.* Girard, 2 Howard (U. S.), 127, 198, where, however, the Court expressly recognized " appropriate qualifications " of the doctrine, and speaking by Justice Story said of the religious-liberty constitutional provision of Pennsylvania of 1790:

> *Language more comprehensive for the complete protection of every variety of religious opinion could scarcely be used, and it must have been intended to extend equally to all sects, whether they believed in Christianity or not, and whether they were Jews or " infidels."*[2]

The language of Mr. Justice Brewer, speaking for the same Court in Holy Trinity Church *v.* United States, 143 U. S., 471, uses the term Christian in a similar non-sectarian fashion.

[1] But see article by Prof. C. S. Kenny, " Evolution of the Law of Blasphemy," 1 Cambridge Law Journal, 1922, p. 127, at pp. 130-1. Compare with the article on " Blasphemy " the following citations in *Corpus Juris,* vol. xii, pp. 941-5 (Constitutional Law—Religious Liberty) and cross-references; vol. xi, pp. 320-4 (Charities); vol. xii, pp. 181-2 (Common Law, Christianity as part of).

[2] Compare Blakely, " American State Papers bearing on Sunday Legislation," with introduction by Cooley. A bequest to Girard College was sustained although coupled with the condition that no ecclesiastic shall ever hold a position and no sectarian instruction be furnished therein.

But see his "The United States a Christian Nation," Philadelphia, 1905. In People *v.* A. S. Baylinson, 211 App. Div., 40, the New York Appellate Division in the First Department of the Supreme Court held, reversing the determination of a Jewish magistrate in the court below, that a picture "Father forgive them, for they know not what they do," did not fall within Section 43 of the Penal Law as "outraging public decency," though

> undoubtedly the picture may be said to be sacrilegious in that present-day mortals are portrayed as venturing to oppose their judgment as to what is right to that of Christ, but the defendant is not convicted of *sacrilege or blasphemy, nor is either made a crime under any law of this state.*

Recurring, however, to the legal civil status of the Jews of England after their readmission, we find much support given by these recent decisions to the theory that the writer hereof, in conjunction with the late Jacob H. Schiff, developed in 1905, in transmitting American Jewry's congratulations to the Jews of England on the occasion of the 250th Anniversary of Cromwell's Whitehall Conference, based on the declaration of the two leading judges of England (Lord Chief Justice Glyn and Chief Baron Steel) to Cromwell in 1655, that "there was no law which forbids the Jews' return to England"[3] (*Publications supra* No. 14, p. 238; "Transactions of the Jewish Historical Society of England," vol. v, p. 302), as also more fully, the writer's paper, "Menasseh ben Israel and some Unpublished Pages of American History."[4] Strangely enough Henriques' "The Jews and the English Law" wholly ignores

[3] Compare Holdsworth's "History of English Law," vol. ix, p. 3: "The Jews had disappeared when they were expelled by Edward I, and when they returned, they suffered no disabilities other than those which non-conformity to the established church entailed." A cross-reference is made to *ibid.*, vol. iii, pp. 507-8, as to the abolition of villeinage.

[4] Reprinted from *The American Hebrew,* November 1, 1901.

this declaration in his otherwise detailed narrative of the Whitehall Conference (pp. 88-93), and omits the citations for the declaration, even in the passage where he quotes it, entirely away from its context (p. 1). This was partly due to unwillingness to accept Lucien Wolf's valuable studies on this point, ably formulated in his "Menasseh ben Israel's Mission to Oliver Cromwell," 1901, particularly p. xlix. The latter cited for this important judicial declaration the contemporary "Narrative of the late Proceedings at Whitehall Concerning the Jews" (Henry Jessey), Harleian Miscellany, vol. vii, p. 623, and Burton (*pseud.*, of Nathaniel Crouch), *Judaeorum Memorabilia.* In addition, following the extreme legalistic view, Mr. Henriques did not wish to base the authorization of the Jews' return to England on the action of a "usurper" like Cromwell, a course which may well have been prudent on the part of English Jewry in the seventeenth century and until latterly, but which was ultra conservatism on Mr. Henriques' part. The theory of the determination of Cromwell's judges doubtless was that the expulsion of the Jews from England was accomplished by a mere royal order, and not by any act of the legislature, and what one sovereign did, his successor could legally undo. In the meantime villeinage had been abolished in England. Given, then, authority to the Jews to return and resettle in England in the seventeenth century, whether by Cromwell or Charles II, even if, as was contended by the attorney general in the leading case of East India Co. *v.* Sandys, 2 Showers Reports, 366, 371, such return was only by implied license of the king, it created a legal status as to all civil rights of the Jews binding on every one, short of the king himself. The extent, moreover, to which the royal prerogative went in the seventeenth century—even without parliamentary authority—to permit aliens to come and reside undisturbed in England, has only very recently been studied with care, though in terms recognized in the early cases concerning the Jews of the period. The able study, well fortified by authorities, on

"The Crown and the Alien—A Review of the Crown Protection of the Alien, from the Norman Conquest Down to 1689," contributed by E. F. Churchill to vol. xxxvi, of the *Law Quarterly Review,* pp. 402-428, 1920, strongly sustained such argument.

In one section of this scholarly paper (pp. 420-8), the writer dealt particularly with the subject "The Dispensing Power and the Religion of the Alien," and clearly showed that the royal power was freely exercised at this period, not merely to permit aliens to settle in England, but to allow them to practice their religion there free from the penalties applicable to English dissenters, departing from the Church of England. Mr. Churchill made the interesting observation (p. 426):

> English non-conformists thought it extremely unjust that the King could exercise the dispensing power in favor of an alien congregation, who wished to remain outside the Church of England, but was not allowed to grant the same privilege to natives.

Mr. Churchill made the very important contribution to this subject, heretofore overlooked by Mr. Henriques and all other writers on Jewish rights in England under the Stuarts, that an express exception to the Act of Uniformity of 1662 protected recipients of the king's privilege in this respect from the statutory penalties applicable to dissenters from the Church of England. He said (pp. 426-7):

> In the religious sphere, his [Charles II's] power suffered no diminution. The Act of Uniformity of 1662 exempted from its operation, charters granting freedom of religious worship and those whom the King considered to be outside the intention of the Act." (Citing Baron Schickler's "*Les Eglises du Réfugé en Angleterre,*" vol. ii, p. 247.)[5]

[5] In Holdsworth's "History of English Law," vol. vi, pp. 217-225, he shows convincingly how broadly the English sovereign's dispensing power was exercised in England until 1688, especially in ecclesiastical matters, and that all the judges united in sustaining the same in the leading case of Godden *v.* Hales, 11 State Trials, 1166, (1686). See also Halsbury's "The Laws of England," vol. xi, pp. 824-9, section "Jews" in article "Ecclesiastical Law."

One form of this exercise of the king's prerogative in favor of aliens, the grant of letters of denization, we have been long familiar with in connection with individual Jews in Charles II's day, to avoid the penalties of the Navigation Acts. Mr. Churchill further said (p. 427):

> As the Jews, however, were by an Order in Council (1685) confirmed in the privileges already granted by Charles II (1674), they did not avail themselves of the indulgence, and the sole legal basis for their religious freedom rested on the above Orders in Council till the legislation of the reign of Queen Victoria gave them such freedom by statute. (Citing Henriques, p. 154.)

They had already secured the royal protection in 1664; the exact date of the legalization of their position in England is uncertain; see A. M. Hyamson, " A History of the Jews in England," pp. 218-9.

Mr. Hyamson's references include Lucien Wolf's " Status of the Jews in England after the Resettlement " in " Transactions of the Jewish Historical Society of England," vol. iv, p. 177 *et seq.* It appears therefrom that even before Jewish right of residence was challenged in England in 1664, the Merry Monarch had assured the Jews that he would take up their cause with the Commons (p. 183). He did not do so, however, evidently because he was advised that his exercise of the royal prerogative with respect to aliens made this unnecessary, under the statutes and customs referred to. But, to quote Lucien Wolf:

> In 1664, when an attempt was made by the Earl of Berkshire and Mr. Ricout to obtain this expulsion, the King in Council disavowed the scheme and assured the Jews " that they may promise themselves the effects of the same favour as formerly they had, so long as they demean themselves peaceably and quietly with due obedience to his Majesty's laws and without scandal to his Government." (State Papers, Domestic Entry Book, No. 18, pp. 78, 79.)[6]

[6] That the sovereign's power to make denizens of aliens included power to authorize them to observe their " heretical " religion further appears from the treaty of 1667 between England and Spain which

(See also Lucien Wolf's "The Jewry of the Restoration" in "Transactions of the Jewish Historical Society of England, vol. v, p. 5 *et seq.*, and his later work, "First Stages of Anglo-Jewish Emancipation," *The Jewish Chronicle,* August, 1903.) As, however, the language of this Order in Council of 1664 was so indefinite and equivocal, and might have embraced the limitations that attended the sojourn of the Jews prior to the expulsion, it is probable that the contemporary English Jews advisedly invoked the Orders in Council of 1674 and 1685 (above referred to, and more fully to be considered presently), rather than this declaration of 1664.[7] Thus, in 1684, as shown in 1 Lilly's Practical Register, 4:

> A Jew brought an action, and the defendant pleaded that the plaintiff is a Jew, and that all Jews are perpetual enemies, *Regis et Religionis.* But it was held by the Court of King's Bench that "a Jew may recover, as well as a villein," and the plea is but in disability so long as the King shall prohibit them to trade (Mich., 36 Car. 2, in B. Regis) and judgment was given for the plaintiff.

So also in 1697 Coke's anti-Jewish theory was again tested as to Jews as "perpetual enemies, not having capacity to sue," this time in the Court of Common Pleas, in the action of

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expressly provided that "the *said King of England* shall *likewise provide* for the same reasons that the *subjects of Spain shall not be molested or disturbed for their conscience* against the laws of commerce, so long as they give no public scandal or offense." It will be remembered that treaties were not regarded as self-executing laws, so that the protection guaranteed was to be accorded necessarily through the sovereign's dispensing power.

[7] *Cf.*, Wm. F. Craies, "Right of Aliens to enter British Territory," in 6 Law Quarterly Review, 27 *et seq.*, and Haycroft, "Alien Legislation and the Prerogative of the Crown" in 13 Law Quarterly Review, 165 *et seq.* See also Henriques, p. 173, as to the Crown's general dispensing power but this was abolished by the Bill of Rights, which, however, confirmed all the exercises before 1689.

Wells *v.* William, 1 Lord Raymond, 282. Counsel there argued:

> A Jew may sue at this day, but heretofore he could not, for then they were looked upon as enemies. But now commerce has taught the world more humanity.

Meanwhile, however, more serious attacks had been made upon the legal right of the Jews to reside in England, and to practice their religion here, which had been authorized more or less publicly from time to time by Cromwell and then by Charles II. (See Henriques p. 142 *et seq.*, and Lucien Wolf's writings.) One of these occurred in 1673, and we may conveniently excerpt the account thereof from Henriques' "Jews and the English Law," who in turn had drawn upon the narrative of earlier writers (pp. 149-150), notably "The Case of the Jews stated," of William III's day, P. Cartaret Webb's "The Question Whether a Jew Can Hold Land" (1753), Blunt's "History of the Establishment and Residence of the Jews in England" (1830), and Lucien Wolf's writings. In 1673 the leaders of the Jewish community of London were indicted on a technical charge of "riot," by reason of their meeting together for the exercise of their religion in their synagogue at Duke's Place, which had been quite publicly established as far back as 1662. Upon petition to the king, Charles II, he made an Order in Council, February 11, 1673-74, not merely directing the *nolle prosequi* of this criminal proceeding, but affirmatively recognizing their right of residence and worship. The exact text of this petition was printed in 1822 in 1 Haggard's Consistory Reports, Appendix, pp. 2-3, supplementing the report of the case of Lindo *v.* Belisario in the same volume, pp. 216-261 (and the historical note on p. 217), decided in 1795 by Sir William Scott, afterwards Lord Eldon, and affirmed the next year by the Court of Arches, pp. 7-26. The Order in Council of 1673-4, after re-

citing the petition of the defendant thus indicted for riot, and the king's earlier declaration of 1664, provided:

> His Majesty in council taking the matter into consideration, was this day pleased to order, and it is hereby ordered, that Mr. Attorney General do stop all proceedings at law against the Petitioners, who have been indicted as aforesaid, and *do provide they may receive no further trouble in this behalf.*

As above pointed out this was not merely an order by the king for dismissal of the indictment by a *nolle prosequi,* but was an affirmative exercise of the royal prerogative over aliens and their religion in their behalf, looking to the future as well.

In 1684, at the instance of one Thomas Beaumont, forty-eight Jews were proceeded against under the statute of 23 Elizabeth for recusancy, *i. e.,* non-attendance at church. Once again the king was appealed to, and James II, November 13, 1685, issued an Order in Council in their behalf, not merely directing the discontinuance of this proceeding, but authorizing them to remain and practice their religion. The order in question, printed in 1 Haggard's Consistory Reports, Appendix 3, reads as follows, omitting the recitals:

> His Majesty, having taken this matter into his royal consideration, was pleased to order, and it is accordingly ordered, that his Majesty's Attorney General do stop all the said proceedings at law against the Petitioners; his Majesty's intention being that they should not be troubled upon this account, but *quietly enjoy the free exercise of their religion whilst they behave themselves dutifully and obediently to his government.*[8]

It is significant that in each of these instances the Jews sought relief through executive action, instead of welcoming a judicial determination of the questions involved. Such a

[8] It will be noticed that this order in council omits the restrictive words found in that of 1664 as to "demeaning themselves peacably and quietly and without scandal to his Government," as also the similar phrase in the Spanish treaty of 1667 regarding Catholics in particular, as to giving "no public scandal or offense," so that public Jewish worship was now clearly recognized.

course was prudent, not merely because the legal questions may have been involved in doubt, with strong popular clamor against aliens, particularly of another faith, but because, as seen, the action of the crown in each instance affirmatively strengthened the legality of the rights in question, because of the reserved royal prerogative involved. Moreover, the late English decisions hereinbefore referred to show that narrow-minded, anti-Catholic, harsh and prejudiced judges like Coke and Lord Eldon [9] may have succeeded for a time in checking religious toleration and justice towards the Jew in English law, but their views have ultimately been stamped erroneous. It seems to be quite unreasonable to say that Jews as such could lawfully reside in England from and after Cromwell's day, but that their profession of their religious views, or even non-profession of particular Christian views, could be visited upon them by criminal prosecutions for blasphemy, heresy, recusancy, and the like, and the courts could be required to stamp, as illegal and against public policy, gifts or bequests of funds to maintain their places of religious worship and education. Reasonably construed, such penal statutes applied only to Christian dissenters from the " Established Christian Church of England," as is intimated in the opinion of Lord Brougham (see appendix to this paper).

Our argument is strengthened by reference to the fact pointed out by Mr. Henriques (pp. 166-7), that the House of Commons in 1698 expressly rejected a clause in a proposed Blasphemy Act which would have penalized all Jewish residents. (Cobbett's " Parliamentary History," vol. v, p. 1172; " Commons Journal," May 16 and 21, 1698.) It is also

[9] Even the biographies of them in the " Encyclopedia Britannica " justify this characterization, without reference to more detailed biographies. It was chiefly on the authority of Coke that the Court decided Rex *v.* Bosworth, 2 Strange, pp. 1112-4, in the tenth year of George II, holding that Jews could not become freemen of the City of London, and accordingly were barred out of certain vocations, because of the necessity of taking a Christian oath.

strengthened by taking into account the remarkable liberality of the English courts towards the Jews in the second half of the seventeenth century, when their rights were actually adjudicated. It was decided as far back as 1667 by the Court of King's Bench in Robeley *v.* Langston, 2 Keble, 314, that Jews are competent witnesses at common law, despite Coke's doctrine, they being sworn, however, in accordance with their own rites, and in 1684 the same view was laid down in Chancery in Anonymous. 1 Vernon, 168, followed, as we have seen, in Omichund *v.* Barker. Even the effort to discredit witnesses on the score of their peculiar religious, or absence of religious, faith, once common in England and all our states (42 L. R. A., note), was held to be a violation of our constitutional provisions for religious liberty, as applied even to an agnostic, in Brink *v.* Stratton, 176 New York, 150 and two earlier decisions in other states, there approved: Perry *v.* Commonwealth, 3 Grattan (Va.), 632; Bush *v.* Same, 80 Kentucky, 244. As I had occasion heretofore to point out in *Publications, supra* (No. 6, p. 91; No. 13, p. 7 *et seq.*), the fact, that Coke's and Sir William Blackstone's text-books were so popular on this side of the Atlantic for a long time, caused adoption on occasion here of their narrower views as to the incompetency of Jews as witnesses, while, after careful consideration, they had been discarded in England. It also led in Maryland in 1658 to the prosecution of Dr. Lumbrozo for blasphemy, apparently the only case in which a Jew was thus proceeded against in an English-speaking court for merely professing his own religious faith, (Prof. J. H. Hollander in *Publications, supra,* No. 1, p. 25). In England, moreover, as far back as 1677, court calendars were arranged so as to prevent compelling Jews to violate their Sabbaths and holidays by court attendance (2 Modern Rep., 271) and, at an early date, the courts recognized, in passing on questions of negotiable paper, that presentment did not have to be made of a draft on the Day of Atonement (Lindo *v.* Unsworth, 2 Cam., 602; Tassel *v.* Lewis, 1

Lord Raym., 743). Law was even strained in R. *v.* Osborne (2 Barnardiston, 138, 166; S. C., 2 Swanston, 503; Henriques, pp. 9-10) by a decision in 1732 holding that criminal proceedings would lie for libel, inciting to a disturbance of the peace, where an omnibus false charge of a heinous character was published against Jews collectively, lately arrived from Portugal. Though Lord Harwicke construed the law against Jews very narrowly, as we have seen in De Costa *v.* De Paz, a decision followed in Isaac *v.* Gumpertz, 7 Vesey, 61, and even exceeded by Lord Eldon in *In re* Bedford Charity, *supra,* we find a number of more liberal decisions handed down before the Jewish enabling statutes of Victoria's reign. Thus in Straus *v.* Goldsmid, 8 Simon, 614-5, Vice-Chancellor Shadwell in 1837 properly held good a bequest for distribution of meat and wine on Passover to Jews having wives and children. So, in Israel *v.* Simmons, 2 Starkie, 356, Justice Abbott properly held in 1818 that a Jewish congregation could maintain an action for unpaid pew-rents, though Mr. Henriques criticized both holdings (pp. 23, 33), and strangely enough, sustained most of the narrow holdings of Lord Eldon in the Bedford Charity case (pp. 46-8).[10] It is not claimed that the Jews acquired *political* rights in England until the enabling statutes of Queen Victoria's day. (Miller *v.* Salomons, 7 Exchequer Reports, 475; 8 Exchequer Reports, 778, Martin, J., dissenting.) Particularly able were the expositions of the rights of

[10] This decision was absurdly narrow. The charity was incorporated under an act which authorized its supervisors to promulgate regulations for its government. The regulations limited the school to Christian children, and the court enforced the limitation, instead of adopting the well-settled rules that regulations must be reasonable, and may not add terms not expressed in the statute itself. Morrill *v.* Jones, 106 U. S., 466; White v. Macy, 246 U. S., 606; Ford *v.* Standard Oil Co., 32 App. Div., 596, 601; Newton *v.* Belger, 143 Mass., 598; O'Connor *v.* Hendrick, 184 New York, 421; 28 Cyc., 368-70, 744, 762-6.

the Jews delivered in 1833 by Lord Chancellor Brougham and Lord Holland in the House of Lords, in debates on bills for their political enfranchisement, which are difficult to locate, and are reprinted in an appendix.

In the United States the upholders of the doctrine that Christianity is part of the common law, in addition, have to overcome the federal and state constitutional provisions separating Church and State. With the overthrow of the British authorities in favor of the dogma here under consideration, there is little danger that an American appellate court, before which the authorities in point are cited, will hereafter dignify the doctrine by its acceptance.[11]

[11] See Albert M. Friedenberg, "Additions to Calendar of American Jewish Cases," in *Publications, supra,* No. 19, p. 170. Albert M. Friedenberg's paper on "Christianity and the Common Laws" in *Jewish Comment,* January 29, 1909, p. 273 *et seq.; id.,* November 3, 1905. Albert M. Friedenberg, "The Latter-Day Virtue of the Maxim 'Christianity is a Part of the Common Law' in American Courts," *The Reform Advocate,* January 15, 1910, p. 924 *et seq.* Ephraim Frisch, "Is the United States a Christian Nation?", *The Jewish Tribune,* December 17, 1909, pp. 35-37. Nicholas Murray Butler, "The American as He Is," New York, 1908, pp. 44-9. Simon Wolf, "Church and State" (1893). The paper by Simon Wolf is reprinted in "Selected Addresses and Papers of Simon Wolf" (1926), pp. 155-176, with additional notes including Richard M. Johnson's famous Sunday mail reports. See, also, pp. 177-193, 316-324, 329-334, of the same volume. Louis Marshall, "Is Ours a Christian Government," *The Menorah Monthly,* vol. xx, p. 1 (1896). Oscar S. Straus, "The American Spirit"; "Under Four Administrations." Adolf Kraus, "Is This a Christian Nation," *The American Israelite,* October 26, 1899. Rev. Moses Jacobson, "Is This a Christian Country?" (1913). Isaac Hassler, "A Reply to Justice Brewer's Lectures, 'The United States a Christian Nation'" (1908). Barber, "Christianity and the Common Law," *Geen Bag,* vol. xiv, p. 267. Max J. Kohler, "Justice Brewer and the Theory that this is a Christian Nation," *The American Hebrew,* April 1, 1910, besides other papers above quoted.

APPENDIX.

Arguments in Favor of Jewish Rights at Common Law Delivered By Lord Chancellor Brougham and Lord Holland, 1833.[12]

The Lord Chancellor said that he was unexpectedly called upon to decide a question of great importance and difficulty. He was therefore unwilling, at so short a notice, to discuss at any great length questions of a polemical nature, or to enter on the abstruse principles of political right. But as he held, if he understood the noble Lord's question right, it would not be necessary for him to go to such lengths, neither should he be required to enter deeply into a question of a polemical nature, nor into abstract legal discussions—he thought he might, without running the risk of bewildering himself, or their Lordships, answer the question. He moreover promised their Lordships that he would not detain them long. He felt no hesitation in answering the noble Lord's question—nor in saying that it was not only his own opinion, but likewise that of the soundest lawyers of the country—that his Majesty's subjects professing the Jewish religion were born to all the rights, immunities, and privileges of his Majesty's other subjects, excepting so far as positive enactments of law deprived them of those rights, immunities, and privileges. Some difficulties had been raised as to whether the Jews ought to be considered as natural born subjects of his Majesty, and there were some authorities for holding the Jews, not only as alien, but as in a state of perpetual hostility to Christianity. Those opinions in practice and in effect were now exploded. And he had no doubt, that he should in vain, were he so disposed, contend in any Court of Justice or Equity, that his Majesty's subjects who professed the Jewish religion ought to be holden as aliens and as enemies. The common law and the Statute Book said the same, and the latter contained enactments evidently for the purpose of relieving this class of his Majesty's subjects from certain statutory burthens imposed on them, but which were originally intended to strike at another class of religious dissenters. He alluded to the Acts levelled at the Jacobites. But by the Act of the 10th George the 1st, the Jews were relieved. Having said thus much in answer simply to a question of the noble Lord, he would shortly state his opinion on the Bill introduced by his noble friend. He had already stated one chief ground on which he was prepared to support that Bill. He considered it a fundamental doctrine in political matters, that no person should be excluded from

[12] "Parliamentary Debates," 3d series, vol. xx, pp. 239-243, 251-255.

any right or privilege of a purely civil and secular nature, in respect of the religious belief he honestly and conscientiously entertained. He also admitted, (and it was not inconsistent in him to do so,) that the supreme power of the State had always the right, for the preservation of the State—for its interests, and in order to consult its safety—it had the right, and it was lawful for that supreme power, to lay under disqualification, *quoad* civil rights, any part or any class of its subjects. If the preservation of the Monarchy, Constitution, and the State, could only be secured by a temporary suspension of the rights of the subject, the supreme power could exercise the right of suspension, still only for a short time, and it was necessity only—the strongest necessity—that could justify it in exercising that authority. There was another reason why he objected to the laws of disqualifications. The reason was, that they must of necessity be limited in their effect, not to say entirely ineffectual. Let their Lordships but look for the moment at the consequences of this system of disqualification. The man of tender conscience and truly upright and honourable feeling was excluded and disqualified, whilst to him who disregarded such obligation, and who possessed a convenient conscience, all offices of the State were perfectly open. Thus it was that these laws proved a heavy burthen to the conscientious, whilst on those not so deserving confidence, it scarcely imposed the weight of a straw; and thus it was that laws, framed avowedly for the support of religion and morality, had a tendency to encourage men who undervalued all religion and all morality. It had been an argument much used on this question, that, as a Christian Legislature, making laws for Christian people, in a country where Christianity was part of the law of the land, they were bound to refuse admittance into that Legislature of all persons not professing that religion. In answer to this he would observe, that the Christian religion certainly was, in a sense, part of the law of the land, but it was not the Christian religion in the abstract; no, it was the Christianity of the Church of England by law established. It was not the Christianity of the Unitarian, of the Presbyterian, or even the Baptist, much less was it the Christianity of the Roman Catholics—none of these were part of the law of the land. The Christianity of the Church of England was the only Christianity recognized by the law; and yet he was glad to say that to all the other unrecognized sects, every office of the State was open. The Catholic, a member of another, and, for the sake of argument, he would say a hostile Church, was admitted to either House of Parliament, or to a seat upon the Bench; and yet no man could reasonably say, that in re-

pealing the last remnant of the penal laws by which the members of that religion were affected, we had declared war against the Church of England, or made Christianity cease to be part of the law of the land. He would ask their Lordships, when they spoke of the necessity for having a purely Christian Legislation in order to preserve a Christian system of law, to remember how useless and ineffectual was the abjuration on which they laid so much stress. Not only had they admitted Unitarians—not only had they admitted those who did not believe in the Son, but those even who did not believe in the Father; avowed Deists and professed Atheists had taken that abjuration, and had taken their seats in either House of Parliament. Persons even who had been stigmatised as infidels by Courts of Justice, had been found amongst their number. Their Lordships would easily remember the names of Lord Shaftesbury and Lord Bolingbroke, who made their abjuration in the true faith of a Christian, being, in his opinion, as much a believer in the true faith of a Christian, as any one of the Jews whom they wished to exclude, with this difference as regarded the latter, that he had an equal respect for the New Testament as the Old, and believed neither in the law of Moses, nor in the law of Christ. In their own immediate days, he, of course, presumed there were no such instances, but such instances had occurred in what might be considered as their times. However obscure the records of Parliament were on this subject, the records of Courts of Justice were somewhat more luminous. He would remind their Lordships, *inter alia*, of the notorious case of Mr. Wilkes, a man certainly of extraordinary talent, and who, in a civil capacity, was not undeserving of praise, and who was at all events, an instrument in the hands of others, of extending the rights and liberties of his fellow-subjects. But so far as related to his Christianity and morality, the noble Earl who so highly praised the Christianity and morality of Parliament, might almost be defied to produce an example of a man whose principles were more un-Christian and immoral than those of that celebrated character. He did not go the entire length of those very extravagant panegyrics which had been indulged in by the noble Earl that night, on the moral and religious character of the people of Great Britain. He did not doubt that we had improved of late years, and that we were more moral and religious than we ever were before. But as for those pharisaical self-gratulations so much indulged in recently at public meetings, in which we were described as the people, of all other nations, possessing the highest tone of moral and religious feeling, he could only say he hoped it was the case; but

this was undoubted—that whether we were the most moral and religious people in the world or not, we, of all people in the world, were the most satisfied that we were so. Whether such an opinion came within the rebuke directed against him who praised the Lord because he was not like the publican, he should not then stop to inquire. Mr. Wilkes was certainly no favorable specimen of either morality or religion. Yet, convicted as he was by the Court of King's Bench, of blasphemy and obscenity, no objection was ever raised to his sitting in Parliament on those grounds—no objection was made to his taking the oath; and though he had heard many moral, religious and political charges against that individual, he never heard that Mr. Wilkes was charged with hypocrisy for signing an abjuration according to a form of words by which he did not consider his conscience in the slightest degree bound. Their Lordships had heard much of the impiety of this measure, and they had been told, that all who supported such a measure were favourers of impiety and blasphemy. This was an argument, if argument it could be called, which had been urged with a vehemence and intolerance that surprised him. He defied the most ingenious man to twist any one expression or clause in this Bill into favouring impiety or blasphemy. He must say, that charges such as these ought not to be made in that House; they indicated a bad temper and a lack of discretion, which did not become them as legislators. They emanated from a spirit of intolerance and persecution, which he hoped would soon cease to exist. Those who made such charges could look only to their own personal views, and this was their doctrine: That whatever they believed must be right, and that all who differed with them must be wrong—that all who maintained a different doctrine, blasphemed theirs—nay, still more, that all who believed differently from them must not only be in the wrong, but must be insincere in their profession, for though they had a right to believe what they pleased, they had no right to believe what was wrong. These were the fundamental principles of bigotry and intolerance—this was the spirit recommended in the last chapter of that penal book, which they were that night called upon to abrogate. He begged to apologise for the length of time he had detained their Lordships. He was willing to concur with the right reverend Prelate who last addressed them; and if there were anything in this Bill to indicate the slightest disregard of the Christian religion, or if the passing of this measure for taking away the last remnant of that code which inflicted civil disabilities for religious opinions, could show, on the part of the Legislature, anything like a discountenancing of the Christian re-

ligion, he would be the last man in that House to lend it his feeble support. He had, however, a different opinion, and he pressed their Lordships to adopt the Bill, because he deemed it the best practical illustration of the pure principles of charity, which the Christian religion so strongly inculcated. He certainly should give the measure his cordial support.

Lord Holland. Dissentient—1. Because it appears to me irreconcilable with the rules of natural justice, and with the maxims of political wisdom, as well as repugnant to the spirit both of the institutions under which we live and the religion which we profess, to exact, unless under the pressure of necessity and for self-preservation, any negative or positive test of a man's religious faith, either as a qualification for his serving his Prince or country in a capacity purely temporal or political, or as a condition to his enjoyment of those privileges to which his faith and allegiance would otherwise entitle him. The general injustice and impolicy of all such exclusions are obvious, whatever principles of civil policy we adopt. If civil government be originally founded, as writers of great authority have contended, and as the laws passed at the Revolution of 1688 seem to acknowledge, on a contract between the people and their government, it follows that all from whom allegiance and obedience are exacted, are *prima facie* entitled to the privileges secured by the contract as birthrights to the members of the community to which they belong. It is true, that the perpetration of crimes, and even some special or peculiar circumstances, may, in particular instances, or for a season, justify the suspension of such privileges. But the burthen of proof is in all such cases thrown upon those who enforce or maintain the exception, and not on the party who claims the benefits of the general rule. In like manner, if, according to other prevalent and more recent notions, utility alone be the principle from which the reciprocal duties of prince and people, of government and governed, can be deduced, it is equally clear, that the application of that principle will confer on all from whom allegiance or obedience is expected, such privileges and rights as are found generally useful in insuring the affection of the subject to the State, unless some special or temporary circumstances should intervene to render the suspension of the said rights and privileges in the particular instance expedient or necessary. But the burthen of proof in this, as in the other hypothesis, is thrown upon those who enforce an exception, not on those who solicit the benefit of a general rule. That the genius of our Constitution is to admit all from whom it exacts the duties of allegiance to the full enjoyments of political

rights, and especially that of an eligibility to offices and trusts of political power, is an axiom abundantly sanctioned by history and authority, and practically manifested by this striking fact, that no subject of the British Crown is or has been incapacitated from holding such offices or trusts, except by the operation of positive statutes, and that the common law of the land, which, in the language of the great Lord Mansfield, "never fails to work itself pure by rules drawn from the fountain" of justice, would if unrestrained by statute, secure to every free-born subject within the realm, the entire right of serving his Prince and country in any office or trust merely political and temporal, to which the favour of his Sovereign might legally appoint, or the confidence of his fellow-subjects duly elect him. This view of the Constitutional right of the natural born subjects of England is repeatedly confirmed by Acts and declarations in Parliament, especially in the conferences which took place between the two Houses in 1702, upon a difference relating to the Bill of Occasional Conformity, then pending in Parliament. Upon that occasion the Lords solemnly recorded their opinion, "that an Englishman cannot be reduced to a more unhappy condition than to be put by law under an incapacity to serve his Prince and country; and, therefore, nothing but a crime of the most detestable nature ought to put him under such a disability." And the Commons, though they deny the conclusion drawn by their Lordships from these premises, yet distinctly admit that an Englishman "is, indeed, reduced to a very unhappy condition who is made incapable of serving his Prince and country."

That the spirit of a religion which inculcates universal charity, and teaches us to "love our neighbours, and to do unto others as we would that others should do unto us," must be averse to all exclusion of our fellow-subjects from the benefits generally extended to their country-men, except on the proofs of necessity, will not, I presume, be disputed, and might be inferred by sundry texts and parables drawn from the Holy Scriptures themselves, as well as by quotations from the earliest and most approved fathers of the Church.

2. Because a Jew born within the King's allegiance is, to all intents and purposes, an Englishman, and, therefore, entitled to all the rights of a natural born subject, save and except such as may, by the operation of statutes actually in force, be withheld or denied him.

The legal designation of a natural born subject sufficiently indicates that birth, not parentage or religious faith, entitles him to the privileges appertaining thereunto. The notion founded on a

passage of Lord Coke's, that Jews, though born in England, are on the footing of alien enemies, or stigmatized and infamous persons, has been ousted by common sense, reason, and practice, by dicta solemnly pronounced from the Bench, by words in Acts of Parliament, and by decisions in Courts of Justice.

English Jews, born in the allegiance of his Majesty, cannot be subject to the privations and disabilities, any more than they can be entitled to the exclusive jurisdictions, exemptions, and privileges, which they are said to have enjoyed before the expulsion of persons professing their faith, in the time of Edward 1st. The passage of Lord Coke, which was written while the law of banishment, and no other relating to the Jews, was in force, could not be meant to apply to Jews born in England, for, in the persuasion of the writer, there was then no one such. It has, moreover, been declared, in the course of a solemn judgment in the Exchequer Chambers (Omychund *v.* Barker), by Chief Justice Wilkes, to be contrary to religion, sense, and humanity, and in that opinion not only the Solicitor General Murray, but the Judges there present, including Chief Baron Parker and Lord Chancellor Hardwicke, seem to have concurred. English Jews have been recognized and described as his Majesty's subjects in more than one statute; and by an Act of 10th George 4th, cap. 4, they are authorized to exempt themselves from registering their real and personal property by taking the oath of abjuration, without the words of "upon the true faith of a Christian," a provision of indulgence and relief, which not only recognises them as natural born subjects, but manifestly implies their right of holding real property. That right if never solemnly adjudged, because never regularly disputed, has been virtually admitted by various judicial proceedings, where the sale and purchase of lands by Jews have been brought collaterally before the observation of the Courts.

3. Because the words in the oath of abjuration which renders Jews scrupulous of taking it, are not in the substantive part of the oath, and were not introduced with a view of confining the benefits arising from taking it to Christians, or of excluding Jews from office or from Parliament. And the same words in a declaration required by a more recent statute to be made on the acceptance of office, were introduced into an Act which had for its object the relief of Protestant Dissenters and not the extension of any disabilities and penalties to other classes of his Majesty's subjects. It seems, therefore, unreasonable as well as unjust, that men should be exposed, by a side-wind to disabilities reserved in the language of our ancestors to crimes of a most detestable nature, by the accidental operation

of provisions directed to other purposes, and adopted without any view to that effect by the Legislature.

4. Because, even if reason and law did not teach me to consider all unnecessary exclusions on the ground of religion as acts of persecution and injustice, I should still question the generosity and wisdom of refusing to the supplications of the weak that relief from disabilities which has been recently, and in more than one instance, accorded to the no less just, but far more peremptory, demands of the strong, the powerful, and the numerous.

LETTERS OF A CALIFORNIA PIONEER.

Contributed by Albert M. Friedenberg.

[These twenty-seven letters were kindly placed at my disposal for the purposes of our Society by Dr. A. S. W. Rosenbach, their owner. But little comment on the documents is needed; the letters speak for themselves and are literally "a slice of life." Both Lazarus Mayer, to whom the letters were addressed, and his nephew, Alexander Mayer, who wrote them, were natives of the Rhenish Palatinate in Germany. This is amply evidenced by the language in which the letters are couched. There remains to be noted only that the letters are printed exactly as written.]

I.

Chagres[1] Dec. 7th 1850.

Dear Unkel

It is 6. oclock in the Morning I hasten to write a few lines Abrams & Myself reached here YesterDay at 3. oclock and the rest we left on the Steamer about Tow Miles from here So we been running about Gitting a Flatt Boat. We hardly could a good one. in the afternoon but still we got one for One hundred a Eighty dolls but we Consitered about it in the night. That the Boat is not Large enough for so heavy packages. when we got up this morning so we saw a Larger Boat for $300- dolls which we can accomatate 3 men more. I would get no time for writting this Morning. But Abrams went to the Steamer and will get the goods out. for getting up the river. I thought myself if I don't write this morning I would not been able for Some time. There is no Chance for us about getting off in Panama the 15th Dec It takes us such time to get there The Roads are very bad they never been bader Before. I don't think we get a good Mule for less Twenty five dolls.

It will cost a great deal of Money for Expenses for to take goods along accross —— we are not Sure wether we Can get 2 Trunks on

[1] On the Isthmus of Panama. *Cf., Publications of the American Jewish Historical Society,* No. 22, p. 167 *et seq.*

a Mule the People says that it is impossible for a Mule to take 2 Trunks it takes Tow Days at least. to Cross the Ithmus for a Man which got only One Trunk. How will it be with us I shall not live my Goods If I have to stay. 3 weeks in the Prairies.) and If Abrams and Myself would not come Here. Yesterday or we would let any body else come here So we might stay in chagres for a week. After we been running so much from 3 in the afternoon till Eleven oclock we could not find a place to sleep. There is about 1200 Strangers in that place, at last we found a House or rather a Hotel by Schwarze Leute so haben wier Supper genommen Ich konnte nichts Essen ich habe 2 Kopf Kaffe getrunken ohne Milch für fünf und Siebenzig cents. ich kann es Euch gar nicht besschreiben was dass ein Platz ist dass Chagres es musst einer seine Eye Teeth cut haben. Ihr könnt es auch kar nicht vorstellen ich habe die letze Nacht auf einem Bord gelegen ich habe wolle Schlafen ich konte aber nicht viel Schlafen. . . . .

I will write you of a rich story There was three men jehudem made a Bargain for 1.$^{50}_{100}$ a head for taking them to Chagres the Steamer Lays out about Tow Miles when they got to chagres they would not take less than 15 dolls for the three. they would not pay it then they took the Trunks and stored them them afterwards they would been glad to give 15 dolls for One have an hour they had to pay one dollar & fifty cents. Storage and Twenty for Bringing them. That beats the *Deval.* ich thätte auch viel mehr Schreiben aber ich habe keine Zeit. für es zu thun Der Haas hat auch schöne Express unser Hof im Store ist so gross wie dass Wärhaus. der Taylor ist in New York und der antere Partner ist Krank in New Orleans, dass Goods liegd hausen auf die Strasse sind nass und dräckig. es ist keine wunder dass die Waare gedämegt werden. Wenn du ja nicht etwas Schieckst so Schiecke es zu diese Leute. Inliegend ist eine Karte der Consul ist ein feiner Mann aber Er fürcht sich selbst für diese Mensche hier Ich thäte gern als Schreiben aber ich kann nicht ich habe mein gemacht bey dem Consul ich war gott sei dank nicht viel krank am See. ich habe es besser gestanten wie einer von die andere nun hoffe ich dass iehr alle bey gute gesundheit seit griesse mir deine Frau und Kinder vielmahl. Edwin Give my best respects to your Father and Mother and also to Evelina Cha^{s} & Theodore und die ganze familie. I expect when I get to Panama I have to write a great deal whenn I git accross the Isthmus, a man is bound to make money in California such an Expense it is Tremendous it is very likly if it goes that way I have not money enough to go in the Steerage. Since I heard such News I have got no appotide But

still I must be easy and take it as it comes. The Colera is in Sacramando City and also in San Francisco a Great many People are coming back but I don't care if I only get safe there with my Goods. Abrams sends his best respects to you all and he request you to tell his Father that he is well nothin more at present you must excuse my writing for I am in great horry. I expect Abrams every minute with the Goods we want to live this morning to get out of dirty Hole I shall try to eat somthing and Trink a Horn of Brandy. Farewell. I remain Your affectionate Nephew Alex Mayer. The three Boys are all well

[Enclosure: card]

GLEASON, RUSSELL & CO.
(H. Gleason, U. S. Consul.)
Commission and Forwarding Merchants,
CHAGRES,
New Grenada.

References.

Hitchcock & Reading.New York.	Fay & Farwells.....Boston.
Churchman, Roberts & Co..do.	Kennedy & Foster..New Orleans.
N. L. McCready & Co.....do.	R. S. Fretz & Brother.....do.
Frost & Converse.....do.	Small & McGill.....do.
Abbot, Dodge & Co.....do.	Garrison & Fretz.....Panama.
Lea, Bunker & Co..Philadelphia.	Corwine, Brother & Co.....do.

W. H. Digges, San Francisco.

G. R. & Co. have had covered barges built, of light draught, which are unsurpassed by any on the Chagres River, and are prepared to forward goods to their address with promptness and dispatch. Particular attention paid to the engagement of passengers for vessels to their consignment.

II.

Panama Dec 20/50.

Lieber Unkel

Heute kamm ich an hier her und bin noch bey guter gesundheit Desgleichen hoffe ich dass ihr noch alle gesund seit was von meiner reisse anbelangt kann ich nicht sehr Loben. Ich habe gelegen in Chagres 5 Tage es hat uns genommen 4 Tage am dem River und in

Gorgona Haben wier gelegen 3 Tage bis mir Mules Bekommen Haben weil die Packages so Schwär und so gross sind. meine Bales Haben gewochen von 130 zu 140 pfund Die Packages werden Schwähr am weg man Hat noch zimlich rächen Ich weis noch nicht wie es aus siecht mit meine Waare ob sie gedämegd sind oder nicht so viel weis ich mein eigenen Trunk meine Hemden sind Nass geworden dass würde Eine Schöne sache sein wenn meine Waare gedämetz sind dass wäre Schlimm wenn man solche Drubel hat, mit Packages ist es ein Grossen Drubel aber wenn man Ein Trunk hat so ist es eine Plesier zu reissen Ich bin kans allein gereisst über die Isthmus es hat mich genommen 3 Tage und wie ich ungefähr 4 Mile gereisst habe so konten die Mules nich vord mit die Bales so sind sie zuruck Und ich bin gereisst mit meine Trunks und die Bales sind zuruck gegangen nach Gorgona. so habe ich abends ein Brief geSchrieben auf die Erde mit ein Pencil. und habe ein Native geschieckt nach Gorgona und da Wohnt ein jehude *Portugees* da habe ich gegessen und da Habe ich meine Mules bekommen or rather der jehude hat sie vier uns bekommen Der ist ein sehr feiner Mann und wan die Bales zuruck kommen so haben sie Bales verteild und haben die 4 zu 8 gemacht mir meinen zu haus werden wier alle Löcher ausstopen dass ist profitable. Nein es ist nicht. Es ist am beste wen die Trunks wiegen von 90 zu 100 pfund warum Sie wiegen mehr von dem dräck und rächen and have the Trunks Lined with Tin and about 2 feet 6 in long the Trunk. Durch Schaden würd man gluch. Ich viele nicht wier Schreiben But still wile I am setting riding Bales Came It took them Only Tow Days to go the rout I tell you I felt mighty glad when I saw my Bales Come. but still a Person need not to be afraid about the Packages. I had my receit for it to be delivered at Panama in the same order —— I deed not mined the hardship only the trouble. I had to sleep 8 or 10 nights on the Ground without any Blankets in the Day time it is very warm And in the night it is cool. But in the Same time I am as well and hardy as I have been in Philad[a] we shall live the 22nd from Here Shloss and Kahn has left tow Days ago. on the Tennessee. we four we go in the Steamer *Ganlia* that is her first trip the Passage cost us $100 only. and $85. pr Ton for Frait that is very sheep I think I got Plenty money to carry me through not any too much, I understood Shloss got some money from Worms & C[o] Give my best respects to my Aunt and to all to the children

I remain Your
Affectionate
Nephew A. Mayer

Dear Edwin [2]

I had a Pleasant Rid over the Ithmus I enjodit greatly. I can ride first rate, the People in Philad[a] make such noies about that Rout. it is mostly Hill up and down. There are a great many of this Natives Houses along the rout every tow or three miles. I traveled alon this rout. Abrams Stein & Berman went a Day before me they had their Horses along but they have been afrait to ride they walked but myself riding all the way. You must excuse my short writing Give my best respects to your father Mother and Eveline Charles & Theodore also my best respects to Tom Lieper

I remain Your Truely friend

A. Mayer
Galiate

The right name from the Steamer is Galiate $100. in the Cabin.

III.

San Francisco 30[th] 1850.

Dear Unkle.

I arived here the 23rd Febr. we have been very long on the Road. But Still we are too soon Yet, I tell You it looks bad about Buisness, it is right Flat. Plendy Goods are in the Market. There is no use to Offer any Goods at Presents, I really belive there are More Cassi Pants here. Than you can find in hole Philad[a] they do Sell from $42. to 60 Dollars.a/dz. Cassinet Pants fetch better prices from $36 to 50 a/dz. and even on those prices You can not Sell any. I am really Surprised. And Cord Royes Sell from $18. to 36—for 36 the best in the Market. Vest hardly no sale. and Comforts will fetch about the frait from 1.50 to $1½ If they bring so much they will bring Good deal. Silk Mantillas not much sale Plenty in the Market. Silk Hkfs are a great Many in the Market Peaple in the North have got no Idea, for Instant. Boots & Shoes do sell at Auction for $1.½ what cost in Philad[a] $2½. and another thing of every description of Dry Goods You Cant find here. there is not a thing to be Mantioned, and Brown Domastics sell here from 8 to 10 cts. Prints cheap. every Iear they had rain here and this fall non. As dry as Can be.

I am in hopes that You have not Sent me any More Goods. at present. till I write for. —— I advice You not to sell any Goods to Califor. and don't discont any Notes who is Interested in the Cali-

[2] Bomeisler, of Philadelphia.

fornia Buisness. I think there will be a Great Many failures here and in the North. A Great many Goods are Stored up. in Philad^{a} they make all Fortunes. If they taulk about Buisness. in California I don't belive that Sternberger & K have not made a cents. and they been here in the Good times and there is a Great many others. I shall ask. Marcus and Jonas Jacobs for the Money But I dou't I get any. Jonas has left the City wentt to the Contry I have ask him before he left. he said money I can't spair any But I pay Mayer Soon. they are very Friendly towards me. invited me often to Dinner. I took Supper with them they have got very large House belongs to them. and have got a Vinager Manf. there Building there Backery at present. the Note will be due from the 30th/2nd Feb^{r} I shall have the note protested any how then I see what I do. O. I think that debt is perfectly safe. You will best send Friedlander's Notes out. Sigmund Meyer told me that you get sure 50 per cent. of Him. But he says he would not settle without he gets. B. Einstein & C^{o} Claim. I have got some damaged Goods for about 3 to 400 doll. I wish they were all damaged by the next Steamer I shall send you the papers I could not send them by this Steamer. I only got my Goods Yesterday they have been in the Custom House o/account them Bales they are Mighty *Perticuler* in the Custom House, San Francisco is quit a large City a Great many Gambling Houses You have Got no Idea what Saloons they have. You can not See any like it in Philad^{a} I think the place is putty Healthy. but a great many Ratts every wheres. I am very well. But I have been very sick from Panama to S. Fran about 12 days long nothing But Fever. —— I hope Buisness will be better after while there is enough Goods for the next 12 or 18 Months what is here and on the Road. And on Mexican Drad I don't Bilive much on it The Americans Have dreated the Mexicans bad and have driven them out off the Mines there fore they will stay away. I don't know what I am gone to do till next week wether I take Store or not. You can't Sell any think in wholeSale at present not much no How. a little Store will cost me about $200 a Months, and to Retail I have not got Assortment enough and to Peddle in City is not much there are too Many. running. There were some Comforts at auction belonged Julies Jacobs first cost $6.00 sold $1½ I shall keep my Comf. In Months of November in Course of 4 days the arrivals of Vessels were 139—from foreign Ports what you think of that. there is only one Vessell came in the white Squaw she brought Goods for 800. Consigners Buisness is down entirely at present And another thing the Creted Buisness is coming in Fashion too here. It cant be otherwise

every body wants to sell Julius Jacobs has left in time from here. Ich weisse weider nichts zu Schreiben und hoffe dass dieser Brief dich und deine familie in gute gesundheit antreffen werden Griesse mir deine Frau und Kinder viel mahl

noch mahl schiecke keine Waare — Grüsset dich herzlich
und auch keine Röke und Westen — Dein Nephew
nicht es sind genuch hier. — Alexander Mayer.

Friend Edwin

Please tell Your Mother I Saw your Cousin John & Jack they are all very well and send there best respects to Your whole Family and I have told them every think whate Your Ma told me Give my best respects to your Father Mother Eveline &c. &c.

I remain
Yours truely friend
Alex Mayer

Please write me Soon.

IV.

[Vignette, East side of Portsmouth Square, in elevation with names of houses, their occupants, etc.]

San Francisco Febr 15th *1851.*

Lieber Unckel

Ich muss dich mit einige Zeilen bemölten dass ich noch bey guter gesundheit bin Desgleichen Hoffe ich Dass und deine ganze familie gesund seit. Inliegend erhaltest du den claim against die Insurance for $276.09 wo ich hoffe dass alles recht sein wird. Ich denke dass mein letzen brief er halten hast vom Ersten Febr geschrieben habe wo ich dier geschrieben habe von die schlechte geschäfte sie sind noch nicht besser. bis jetz. es ist noch alles beim alte ich weis gar nicht was ich sachen soll es muss sich bald Endern Enweder besSer oder noch Schlechter. Mit einem word zu sachen die Geschäften sind gans Schlecht. Wenn man auch macht Fünfzig oder fünf und Siebenzig prozent an Waaren wo bleibt der profit die Expenses hier Essen ja alles auf und noch mehr da zu. Ich habe die ganze zeit mir kein Store genommen bis Ein Tag vohr Gestern habe ich ein mit Stein genommen der thut mir kein abtrach mit seine Waare. und ich mit meine nicht. Es ist als besser ein Store der ganze kost $175. per month. Wenn der Monat Herum ist und gefallt mir nicht so gebe ich auf und warde bis dass Erste Schiff kommt. Es ist ja kein wunder dass die geschäften Schlecht sind Die viele Auctions und

dass geld ist rahr. und dass Schönste ist mit Credit Buisness die Costemers frachen schon für sechzig Tage Cr. aber sie können sich in den Hals Schneiden. Ich habe diese woche habe ich den Simon Grunewald gesehen und er ist gleich darnach zu mir Gekommen und sachte mir dass er Euch dass frühjahr bezahlen will in full. so denke ich es ist am besten Wenn ihr Notes heraus schieckt von Grunewald & Washer Er sachte mir ihr sollt bei ihm nichts verlieren Er hat zwei Properties in Sacromando City Ich kann dier Wegen Jonas & Marcus Jacobs nichts Schreiben Sie haben noch nicht bezahlt. der Jonas ist nicht gegenwärdig nicht hier Er ist nach Mazatlan gereisst mit Waare und Marcus hat mir versprochen wenn der Jonas nach haus kommt so bekomme ich etwas geld es ist kar kein use zu klachen warum es kost gar viel geld for expenses und muss auch warden. Wenn man nicht anderst kann so propiere ich mein bestes die Leute haben a Property.

Es thut mir leid dass ich nicht mehr von geschäften Schreiben kan. da könnt ihr Euch vorstellen wie es hier ist. Ich habe bis jetz von Euch noch kein Brief erhalten. Der Henry Levi ist noch nicht hier Der wird auch umschauen sie haben ein sehr grosser Stock Waare am weg for $100.000 werth

Schreibe mir bald antwort auf mein brief und ob die Insurance dass bezahlt hat den Abrams sein Claim nichts mehr vier dieses mahl griesse mir deine Frau und ganze familie viel mahl viele griesse an Mr & Mrs Bomeisler. so wie auch an Eveline und Edwin.

Es griesset dich Hertzlich
Dein Nephew.
Alex Mayer

Dem Wilmer & Cannall
seine Sack Tücher liegen schon Auction
die wo kosten $4.00 die holen $4.25 zu 4½

V.

San Francisco March 2nd/1851.

Dear Uncle

Yours of 7th Jan Came duely to hand with Enclosed Bill & Bill of Laiding pr Palatine which I was not much pleased that you have sent me More Goods, when I left Home You said that You would not sent any more Goods Untill I write for. I am in hopes That you have rec[d] my first Letter; I need not to write any More about Buisness, I have writen Enough about it It is very Dull here, at present time, Why it cant be otherwise, There are So many

Jehudem Here in Buisness and Every One Want to Sell, And this Year are four times as many Goods here as there has been Last Year. I don't think Buisness Will be much better Not before 9 or 12 Months. You need not to be scared about it, on our Goods will not be lost any think. But for Nothing is no use to go in any trouble. But I tell You them persons which have Shipped A Large Stock them are bound to fail, or to sacrofice Goods. And You Must have patience about Money. I Shall try my utmost to sent Some this months if it is not a Large Sum. I shall sent a Small One. in Store You cant sell a Larg Lot probabl a dz or two Pant to a man. The Asa Packer Arrived the 18th Febr she made the Trip in 130 Days the Goods have been in Good order. the Velvets are not in demant I have sold Some of it. the Good Kind for 50 pr cent prof and the other with a 100 pr Cent. them Blk Frock Coats I dont think I make much on them. the Cord Roy Pant I tried at Auction brought $27 a/dz and sold Duplicates of them. the Cotton Adr. Pant 1.75. 1.62½ and 1½ apair had them sold all there. for that price, at Home I asked only $18.00 Could not Sell any. You Know How it is with the Jewis at Auction is every think cheap. Sometimes Goods bring Good prices at Auct. and Often they dont. and Them Union Cassimere Pants. I tried a/dz too. brought $42.00 at Home I asked only $36.00 Moshaff will bring Good price and Goods wont. You must not think there Are No Candles in Markets Plenty. Plenty. the Sperm Candles bring at present 40. to 45¢. I inquired about the Article which You have Sent me bring about 35. But Candles & Segars the consumption is great. I realy belive the Consumption of Segars are 100.000 a day here in the City alone. Mattrasses I cant say. I dont think much in demant in fact I cant say for any think which is demant Except Gold Dust. The very Day when I came here and had 50 Gross Playing Cards I could got $125. a Gross they bring 85 dolls Yet Spatz & Roggenburger brought Some, the time when wanted to ship som Blk Hats. on the Asa Packer would come in time they bring 80 dolls a/dz. and Colts Revolvers fetch 100pr cent I don't want you sent me any think at present.

I saw Jonas he came back from Mexico he did not make [out] well. I belive he lost 200 dolls on his Trip. and he told me it is impossible for him to pay not before 2 months, in about 2 weeks they Commence backing he said he dont want to swindel any body. I Came with force on him. he said if I want to take Boots & Shoes he will give me he got about $3000 worth on hand. I think the best way is to wait. if I sue him You have to wait 6 Months any how. he will trie his utmost to pay You as soon As possible. he has not paid Joe Yet owes him $2.400 I dont Know wether it is true or not.

the rest of Our Vessels I have heard nothing yet. If the Vessels dont Come in this Months I dont Know wether I go and take Another Store I shall not go in Much Expense this Summer The Brown Mouslins & Dills bring about cost & charges at present And Even If the Vessels come in I shall not put much Goods in Store, at Home I slept so well here I dont. I have been up the Last night and a night before once it took place fire on tow Steamers and the Last night in the City but it did not come near. if it would, I would have 4 or 5 men to help me that is the reason I have sold some Goods on Auction. I rather make 20pr cent less and have not so much in Store and go a Little Safe. I cant affort to take a brig Builting for $800 dolls rent.

Something New Again Our Mr Rheinstrom has failed again he is agoner now here and any where Else. I like to see it he has been in my Store and priced Some Goods, but he is Smart Enough and did not Ask me for any Credit and Mr Levinson ask me for about 150 to 200 worths of Goods but I refused him. he said If Mayer would be Here would not refuse him I told him that is not my Buisness I expect You Know him which Boardet at Halls Hotel.

I rather Sell the Goods on Auction and get the John Ready Davis. —— Auerbachs Bruder hat auch nichts gemacht aber schon verloren und werde wahr scheinlig geschwindelt von die Solomons. Ich glaube nicht dass Auerbach hat 5 Taller in seinem Reich, der Schloss hat auch wieder geld nach haus geschieckt, aber da kann man noch kein Profit zahlen, Die Union Cass Pants waren nicht sehr wohlfeil von Bloomingdale Der Heiter hat sie viel wohlfeiler von Gans Leberman & C^{o} Ich weisse nichts mehr vier dieses mahl zu Schreibe mir Oft, und hoffe dass dieser Brief dich und deine kanze familie gesund antrefen wird. wie Er mich verlasst.

Grüsset Euch alle viel mahl.

Drein Treuer
Nephew
A. Mayer

Dear Edwin

The News which you have writen me about engagments afforted me great pleasure. it is a pity that I am not at Home But still I Can do without as you have remarked in your Letter. Remember the 30 doll suit. give my best respects to Tom Lieper and tell him I can get plenty Kad fish Balls here. You Can get Mostly every think that San Francisco is a great place I am mostly tired writing write often give my best respects to Your Ba. Ma and all rest

I remain Yours Truely A. Mayer

Enclosed You will find a Bill the Goods which where Sold at Auction on account of Insurance I think You did not receive a Bill with the Last Steamer and I dont Know wether I have sent You One or not.

VI.

San Francisco March 31/51

Dear Uncle.

It is a Month past since I have not writen the cause of it, I forgot about it. I consideret about this bad times we have here. Enclosed You will please find Bill of Laeding for Box of Gold Dust. Amounting 100¾ aunzes.

which cost me with premium ——	$1662.37
Fraight and Insurance ——	89.55
Tin & Wooden Box ——	3.50
1767.42 but it is 12 doll. more	$1755.42

This Gold Dust ought to bring. $1.800. it is quit clean Sometime ago a person Could Buy Gold Dust for 16. to 16.⅝ an az. but now since a few days the Brockers atvertised that they give $17. an oz. they want to get the Peaple to take Drafts, Die soll dass feuer verzehren Die Spietzbuben, the best will be for You to take out an open Policy then we will safe at least 1¼ Pr cent. You will please and let me know by return of mail wether you do so. my expectations where to sent you Gold Dust but it is impossible for me to do it to Day. I paid $300. Fraight on the ship Masonic she came in last week. she has been on her way 178 Days from New York. I have not taken out the Goods Yet. I am not in a horry. I wish the Goods where all. . . . . the times getting every Day worse & worse. the Market is entirely over Stocked. Cassimere Pants where sold last week at Auction from 2.25 up 2.87½ apair the best. cheaps cray Satt. Pants at $2¼. Cotton adv from 1.10 to 1.50. Hats low price Shoes & Boots very. very. sheap they Sold. Tobacco was sold one week a 1.50 apound but week afterwards was not worths not more than 50 cts. now at present time I dont belive I could get more than 8½ for the Muslins & Drills by the Quandity and If you sell a Bale sometimes to the Country for 9½ the most. So it is with every think, and Corduroy Pants are all ready down to $21. a dz lined. even Boys Clothing are Plenty here and Plenty on the road. now I have to get money to gether for the Mazatlan she was spocken twiced and no doubt she be in less than week. Your Letter of 24th January Came duely to hand. which I where very much disapointed that You have sent me Over Coats. they may be good till next winter

but there is no hopes there are to many here. I have not sold any of this Blk Cloths Coats yet which we have of Chas Bloomingdale the wasts are to short and the Skirts to Long. and his Pants are all to narrow around the waist and small sizes The peable here they sad down in Day time and play Cards. You must think how brisck Buisness is. Ask Mr Fink for $18.00 which I had Expenses I have been up to Sacromanto City and have inquired about that man but I could not find any think out If I come up again I shall inquire once more. You got an account in the old Books against Fox. Send the account on. and write me wether Alex Mayer from New Orleans has settled if not sent the note on too. He is here too. Mayer has Settled with Friedlander and sent the money on to Aaron Jacobs. I am in hopes that Buisness be better with you than it is with me. and I am in hopes that You will be not pushed for Money. I shall trie my best to raise money I know you dont want me to sacrifice goods I rather let them lay a while Yet. give my best respect to all the Folks &c.

I remain Yours Truely

ALEX MAYER

Amongst this Gold Dust You will find a large piece of Gold worths about $100—.

Muslin Delains Sell at 12½ a yard. I give you my wort an Honor that I am Sick entirely of the Buisness Buisness is Dull and a Store a person must have. You will find a Small Tin Box in the Box of mine Marked Backer & Weiler Please Handit over. that Polick which came with me Mr Bermas He lives to Day for the States. He has been Sick in his Head and I Belive he is Crasy yet. did cost him a good Deal of Money.

I remain Yours
Truely

P. S. ALEXANDER MAYER.

You will Please and let me know How m[uch] that Gold Dust brought in the Mint. I want to give cretid the correct amount it is every think Paid Fraight & Insurance

VII.

SAN FRANCISCO April 14/51.

LIEBER UNCKEL

Dein Schreiben vom 27ten Feberwar durch Elfelt kamm mir richtig zu hande Darinn ersehe Ich dass ihr alle noch bey guter gesundheit seit, desgleichen könnt ihr von mir hoffen. In liegent schiecke ich auch dir Duplicate Bill of Laiding vor dass Gold Dust

wo ich dier geschieckt habe bey die letzde Mail. meine Waare von dem Ship Masonic Habe ich hausen Die Mouslins und Drills Habe ich gestord bey John Bowen der hat ein Store Ship. Die Mazatlan ist auch Herein Gekommen ist schon 8 Tage hier habe noch keine waare Ich habe Trubel als vier fraight zu sammen bekommen, Warum die Buisness sind so Schlecht Du kannst dier gar kein begrief machen wie es hier ist— Ich habe nun ein andern Stohr und auch ein Klerk man kann nicht allein thuen und kein Stohr zu halten will auch nicht thun. Die Geschäften sind sehr Schlecht allein hier. sie sind überal Schlecht, Wenn hier nichts zu thun ist, so ist es niergens wo zu thun Es sind vom 1st to 6th 102. Vessels herein gekommen alle geladen mit Dry Goods Boots & Shoes Clothing &C. by next mail I shall sent a Cataloge and the prices of Goods. how goods to sell here. I have seen Boys Boots selling what cost at home $1.⅞ apair brought 80 cts. So it is with every think. Ich sache dier es ist mir gans verleite über die Buisness und dass ganze California. es ist vier mange Leude ihr unglück. du hast mir ge schrieben wegen Mr Rheinstrom. Ich gebe keine 5 Taller vier den kanzen debt.

The Brig Argyle I have not heard any think Yet. She stays out very Long the George Brown she has only been out but 133 Days we would have saved Some money If we would have Shipped the Goods on the Brown instaid on the Mazatlan Nothing more at present Give my best respects to all of them

I remain Yours
Truely
A. Mayer

About Finks matter I can't Say any think. I shall go up again to Sacromanto City Some of this Days.
Edwin Sigmund Meyer sents his best respects to you and by next fall you may See him again. Levi. Löbge. Jonas Marcus. and all the rest the Boys sent their best respects to you Stein also, and Jac M°Karcher sent his best respects to you and the rest Your Family He has been in my Store to Day. Dear Ed. I would write You more. But still I don't feel to write; I always feel so Made about this Country. Give my best respects to Mr Tom Lieper and I am in hopes that the Lager Beer agrees with him I would not care If I had Some Edwin don't forget about my Thirty dollar Suit and wishing that You make Care about them.

I remain
Your Truely friend
As Ever
A Mayer

Edwin You have wrote to me Some time ago that you have shipped $1000 worth of Clothing on the Ship Bengal. But I have not received a Bill. I have only recieved a Bill for The Matrasis If you have not shiped any I am glad for it. A.

VIII.

San Francisco May 1st/51.

Dear Uncle:

I must hurry to write a few lines before the Mail Closes ——

I have been greatly Disapointed. by not receiving a Letter by Last Mail from You. It has nothing occurred Since my Last. Letter. News are the Same Yet, the Goods from the Mazatlan I have received mostly all. It is every think mostly in Good order except 2 ps Carpets I shall have them Sold o/c the Underiders. and shall Dry to sent You the Papers. Abouts Ten Days Ago Jonas Jacobs unterstoot that I want to Sue him, then he Came to See me. and said that I should not do such thing. We were aquainted so long And his Brothers were so long in Partnerships with You. with One word we had a great force. that was on the 26th of April that Day he promised me to pay me $600— on the 30th of April before the Mail closes. well he did not come up to his promise, This very minute I Come from there. and ask him for that Money he awnsered he could not raise $200—I should wait till their Goods come in. Mason bought some Goods. before he left I have given the Note already to a Lawyer it will be in Suit to Day or to morrow. I belive I Can get a Judgement in course of Seventeen Days. either they have to pay or to Breack. I think I done Correct to do so. and hoping that this will be Satisfactory. I thought it is the best by doing so. it Cost for expenses and Lawyer. Fees $100— I shall try to Sent You Some Money by next Mail If not next after for sure. Buisness is the same Yet —— with this Mail I sent you a Catologe. how the Goods to sell But that Day Considering Goods brought a Good price in fact I don't like to put any Goods on Auction. If I do wish to loose 25 or 30 pr cent on the Goods. Spatz & New house have put Goods on Auction Callico, Domastics &C. that thos pay Poor And take off 10pr cents Commision, that is the way How Buisness is Conducted at San Francisco. I am in hopes that you are not pushed for money Yet. Sent out the note which you hold Against M. Fulda. it is perhaps a chance to Collect the Money. Give my best respects to all the focks.

I remain Your
Affectionat Nephew
A. Mayer

Please Adress my Letter

Alex Mayer
Box N^{o} 1038. P. O.
San Francisco.

Der Mayer Loeb lasst dich viel mahl griessen Er thut zimlich gut
A. M.

IX.

San Francisco May 12th/51.

Dear Edwin

I take the liberty to write a few lines to you. This very minute I come from the Funeral. the Bones which we found Here Have been burried this Day. Dear Edwin the Losses which we had in this dreatfull Fire in the City of San Francisco Only Consider this four Lives, which have been lossed in this Fiere, Mr Greenebaum Baker. Nusbaum and his Cousin Rosenthal. we have barried this four Friends their remains of Bones in One Coffin. this afternoon. Now Dear Edwin You always told me when ever I write you to come, You would do so. I think surely we cun make enough. Now. britty much every one Cannot sent any more Goods t[o] this Marked. The losses have been to Heavy. Perticular amongst the Jehudem. Dear Edwin I had britty Heavy Losses in this Fire. from 4 to 5000 But Edwin I am not afraid to make up again this Summer yust as much as I have lossed My Domastics I have got was offered 12½¢. But I want to wait till the Marked is settled. Edwin try that Leser sents Goods enough around the Gape Horne with a fast Clipper Try Yourself and come here, if your Parents let you go. I think we can make money. You & Me.

I remain Your
Truely Friend
A. Mayer

X.

San Francisco May 14th/51

Mr E. L. Bomeisler
Philad^{a}

Dear Edwin

I cannot let slite the Mail on the 15th hoping that this few lines will find You in a perfect state of health. The same you may expect of me. Dear Edwin I have written you about those two Fires on the 12th by Adams Express. which I ann in hopes you are in receit of it, which tell You all about. Dear Edwin in my Last letter I have written You to come out. But I tell you I don't advice You come,

stay at home and be satisfied The Country I like very well. If it only would not be for that fire. A Person must Expect Three to four Fires. Even if a Person makes 10 Thousand Dolls. and in a Day or Night you may loose every think and more still. I have only been here a shortime and did not make any think. And I have lossed Between four & five Thousand it is a good Deal to loose, But Still I think I Can make up every think. whate I have lossed at Present time Buisness is not much. Peaple are Buisy Building up Houses therefore a Person can't Say much about Buisness affairs. Country Stores Keeper when they come down. Intention of Buying They won't Buy. they do go home again and sell their own Goods, Peaple are used to Buy sheep. Goods But since that fire are Burned up a Great many Goods. and Goods are a Good deal Higher but no Buyers. Market is not settled Yet. to my Judgement that Goods will be next fall. Very High that most of the fetch more then. than it those at presents time. my Domastics I have not sold yet. I had offered 12^{2} Cts. I hold up to 14 Cts. four Bales I had lossed in the Fire. I advised you by my Last Letter to Come out but Still by this Letter I dont advise You by no means. Because I dont like to advise no man to such a Country. If a man makes a living at Home should be satisfied If Mayer dont sent me any Goods no Goods than I shall be home again next Fall. Edwin write me Soon Give my best respects to Your Pa. Ma. and all the rest

I remain
Yours Truely
A Mayer

P. S You wrote in my last letter I should inquire about Moses Greenebaum. I had a litter of him this Day. He lives in the Mines and always has been there. Digging and Makes Money About Sol Vendig I cannot tell you any think about him. Two Months since Some body told me that he seen him Sometime since at Sacromanto City and had Eleven Hundred Dolls and lossed in Gambling, than after he went back Again to the Mines, But I cant Say it for Positive, If Mayer sents me any Goods, he shall sent a great many fancy & Blk Cass. Pants also also Lined Sattinet Pant Corde Royes Lined) Red & Blue Flannel Shirts Cantun Flannel Drawers a Large Ass^{t} of Collico Shirts, and White Shirts Woolen Socks, and Callifornia Hats. a Good Article. of Regalia Segars Now this spots in whate is worth $35. a Thousand. Such Goods as write for I always can Dispose of it Quick Good Grain Leather Boots Long Legs, also Long Leg Hungarian Boots with Nails Those Boots will sell well if they come in the rite time, Silks Hkdfs and Cravats. If you do

sent any sent them by Quick Vessels from New York. The Brig Argyle will Discharge her Cargo to Morrow. She stoot out so long. or else it would be burned too. I expect the Palatine Soon. She has not been spocken yet. I think Goods will fetch good prices by next fall no doubt that Goods bring the Old prices again, There is a great Consumption of Clothing in this Country and You know by this late Fire a great many Peaple getting tire of this Country. my self I knon a great Many which will go back by next fall wether they make any think or not. Than opposition won't be so great of Mercantile Men as it use to be. I think Cha^{r} Bloomingdal will loose a great deal on the Rhines. J R & S R Jacobs note I have given to the Lawyer and it is in Suit Now little Marcus dont talk to me any More anddont Come near my Store any More that is the One which use to say Cant get a better Note than his I have received to Day Two Hundred Dolls of Moses Abrams and he will Pay the Balance in June. I shall try in June to sent Some Money Edwin be kind enough and sent me a Statement whate I owe, The reason Why My Books are burned up, it is no Consequence I know the few which owe. I expect by this a great many People will fail by this time in the states Give my best respects to Tom Lieper Nathan Strause. Heilbrooner. tell him to come

A Mayer

XI.

San Francisco May 16th/51.

Lieber Unckel
Laz. Mayer
Philad^{a}

Ich muss dich zu wiessen lassen bey Adams Express. bey diesem brief. Mit Treneten Augen nehme ich die Feder in die hand. dass Grosse unglück wo mir hatten am Dritten Mai des Nachts am 11 Uhr ist ein Feuer ausgebrochen. Zwei Squares Von meinem Store. Mir Haben gearbeidet unsere Dreizen Mann. in meinem Store und alles Heraus gebracht und Haben es gebracht zum Simon Heiter seinem Store und auf noch mehre plätze Die Leute hier haben siech verlassen auf die Feuer bruf Heuser, und ich sebst. Ich habe in meinem Leben kein Feuer so gesehen solges gewald wie dass Feuer hatte. Es hat benahe alle geschäfts Leute ihre Waare und Heuser mit genommen und am 6 ten Mai ist Stockton abgebrand. Diese zwei Feuer Hat es sehr viele arme Leute gemacht. sehr viele wo gar nichts geseft haben Ich habe auch bedeutend verloren aber etwas geseft. und habe noch 47 Packages gestord gehabt bey John

Brown. Dass Schiff war beinahe in Feuer aber sie Haben Hart gearbeitet dass sie dass Schiff noch geredet Haben von Feuer. Lieber Unckel du brauchts dich nicht zu Kränken. darieber dass ich verloren haben.

Wenn Gott will so mache ich alles wieder auf was ich verloren Habe. Es sint so viele Waaren verloren gekangen in diesem Feuer. so muss die Waare aufschlachen. es ist alles schon hoch. aber der Market ist noch nicht gesetled.

Ich kann noch beten zum Almögdichen dass ich so davon abgekommen bin dass geld ist nichts sehe blos die Arme Mensche die wo vebrand sint. Der Greenebaum, Backer, Nusbaum und Nusboum sein Cousin Rosenthal die vier Mann sint verbrand gestern sint die Knochen gefunden worden Heute wirden die Knochen begraben. Der Simon Heiter ist auch beinahe verbrant. Er liegd nun im bed. und Er ist sehr arg beschädigt in seinem gesicht. sein gesiecht ist verbrannt. Der Gus Elfelt auch sein hand verbrannt. ich denke Er ist bald wieder gesund. alle unsere Philad[a] Freunde haben verloren. sehr viel. Jacobs & Levi ungefähr 50.000 Taller verlusst, Spatz & Newhouse waren glücklich ihre Haus ist stehen geblieben und haben nichts verloren. Heiter hat alles verloren. Lieber Unckel du brauchts dich gar nicht zu drubelen wegen mir Ich hoff alles wieder aufzumachen. und denke in einem Monat dier etwas geld zu Schiecken. Die geschäfte sint noch nicht viel die Statd wied wieder auf gebaut, da sind die Leute nun all beschäftigd Unckel Wenn du mir Waaren Schiecken wielst so thu gleig Schiecken Hungarian Boots with Nails long legs up to the Nie and a little larger Still gute Grain Leather Boots. gute Sattinet Pants all Lined. Cass Pants Fancy & Blk. Corduroy Pants Lined Callico Shirts from $5. up to 9.00 white shirts. Woolen Shirts & Drawers Red & Blue Flannell Shirts with Colars. Assorment of Callifornia Hats. Silk Pocket Hkdfs low price up to $4.00 Fancy & Blk Cravats. a great many of Canton Flannell Drawer. Blk & fancy fine Vests. gute Nid woolen Socks. gute Regalia Segars which is $25 to 30. Sweet Caventish Tobacco. und auch feine Ladies Goods es ist gar kein zweifel Dass die Waare gute preise Hold. die meiste jehudem. können nicht mehr Schiecken. imfahl du mir Schiecken wilst so schiecke gleich Wenn du es thun kannst, Schreibe mir ob du es thun wilst Wenn es nicht is so komme ich nach Haus den necksten Fall. Dein Brief ist mir zu Handen gekommen mit die letze Mail. Der Moses Abrams wird seine Note bald ab zuzahlen.

Dear Edwin You give me advice to go to our agent I know all this agt here. that Haven is to much of a rascall he is to much in

favor for the Ins. Co. and I belive he is interested with Ins. Co? I had some goods damaged on the Mazatlan and also on the ship Masonic the Port Warden has seen the Goods before the fire took place. and them Goods are burned up too. and the Port Warden told me that the Insurance Co is bound to pay this. I shall sent the Papers as soon as possible, and if Smith should ask why I did go to Haven tell him I had not received Your Letter. Here after that I go to Mr Haven. give My best respects to all our folks

I remain Yours
Truely as Ever.
A Mayer

Die Argyle ist hierein
gekommen Ein Tag nach
dem Feuer A. M.

XII.

San Francisco May 30th/1851.

Dear Edwin Bomeisler
Philadª
Pa

I am very much surprised about you. I expect you have forgotten to write me. or have you been too Buisey, to write That is the only Pleasure I have here every two Weeks to hear from You and telling me Some news, in fact I have not received any Letter from you by the Last Mail. and have not received before any, Letter. in Two Or three Mails I have riceived any Letter I expect you was 'driming and forgot about to write you Think too much About the Mädcher. Edwin you did not write me any think that you have been last Winder on the Hebrew Ball. and I expect You came out grand that night with your Gold specks. it must been quit an improvment with that Gold Specks) has she been down to Philadª) I expect she was surprised to see you with a Gold spects. Edwin I hope your have enjoyed this Cold winder Nights as to tell you about myself I had no enjoyments since I am here. O! Ed How tired I am for this Country. I wish to God California would went before I heard Something About this Country.

That was not the Last Fier we had it will Come again it can't be other wise San Francisco is Built up Hill and when Fire Breaks out, Then the Town is bond to go. The wind never those change always come from Hill down. and most of the Housis are wooden Buildings then the fire comis So Strong that the fire Men Can't

distinguished. that Last fire I never saw such fire in all my days of Lief and you eather. By the Last Mail I have Seen Leesers Occident which I read in it that your Sister. Eveline was Elected Teacher for the Hebrew School. which pleased Me very much indeed) But it astonished me very much that Your Pa. Ma. and yourself not been agaist it. she will injure her Health by it, You must excuse me for making such remark. If I would give my advise I would not allow it. Edwin I would write You more But I am tired for writting and for Every. Think. give my best respects to your Pa. Ma. Eveline Cha[s] Thea[d] Your Aunty, and the Hole Mishbache. Also my best respects to Tom Lieper. I hope he comes on fine with the Lager Beer. And for myself I sometimes Ead Cat fish balls

Give my best respects to Mrs Langsreths and also the two Miss M[c]Dowles

Edwin don't forget about that $30 Suit The reason why, my Cloths are all Burned I understoot Buisness were for strait this last Fall in Philad[a]) Edwin[3] & Gus Elfelt sent their best. respects. and all the rest the Boys, write often and give Some News. what is gone on at Home give my best respects I remain Your Truely
to Sol Mayer and his family Friend as Ever
to Walker, Strouse, Heilbrooner Alex Mayer

XIII.

San Francisco May 30[th] 1851.

Lieber Unckel
L. Mayer
Philad[a]

Ich muss dier Einige Zeilen an dich Schreiben um meine gute gesundheit dier anzuzeigen dass ich noch bey guter Gesundheit bin des gleigen hoffe ich dass diese Brief dich und deine Ganze Familie in gute gesundheit antreffen wierd Was von Geschäften anbelangd kann Ich dier nicht viel mit Teilen, Zwei Tage nach dem Feuer, war alles excited about Buisness, aber es ist nicht viel verkauft geworden Die Leude Dachten Dass die Alte zeiten wieder kommen, aber bis jetz habe ich noch nicht viel davon gesehen. Wenn ich die Wahrheit sachen soll die zeiten sind gegenwärtig Schlechter, als sie Waaren vor diesem Feuer. Ich kann mich kar nicht verstehen auf dem Land. keiner kann Gescheit Genuch sein Es ist sehr still Hier. fasst gar

[3] Edwin I. Elfelt, born in Philadelphia, June 18, 1821, the son of Simon and Eliza (Caddette) Elfelt. He died in San Francisco.

nichts zu thun. so lang als ich in Philad^{a} war habe ich solge zeite noch nicht gesehen. Die letze woche war ein Auction mit 800 Lots und sehr viele Duplicats Es hat genommen von Morgens am 10 Uhr bis in der Nacht am 1 Uhr. Vier zu verkaufen und sehr billig verkauft Geworden, Die Uhrsache ist dass Es sind viele Leude Hier die wo sehr viel im Feuer verloren haben Die wollen auf setlen und wollen nach die States zuruck gehen Es wierd die Leude jeden Tag mehr verleude. in dem Unglücklichen Lande zu bleiben sie haben auch kans recht. Ich habe dier geschrieben bey die letze Mail dass du mir Waare Schiecken sollst Wenn du mir Schieckst Schiecke mir nicht zu viel und Wenn du mir keine Schiecken thunst so gebe ich auch nichts darum, Ich hätte gern bey diese Mail geld geshieckt aber ich konnte es nicht machen. bey die Näckste Mail probiere ich wier kans gewiess dier geld zu Schiecken, und bey dieser zeit kann ich auch Dier die Papers Schiecken von die Insurance Es ist keine Eile darieber. Der Porte Warden sachte mir dass es am beste ist Dass die Protest vom dem Schiff dass erst nach haus kommt,) Ich weis kar nicht Warum du mir nicht Schreibst Ich habe noch bey jede Mail geschrieben. Wo ihr mier immer Schreibt dass ich ja keine Mail beigehen lass. aber es ist nicht der fall bey Euch. Ich habe schon drei Mails kein brief bekommen von dier. Es ist nicht sehr nachläsig von Euch mir nicht zu Schreiben Ich habe bis jetz noch kein Satisfaction bekommen von die Jacobs. Ich habe sie verklacht. Die näckste woche kommt es fohr. Es wär schon die Woch vohr gekommen aber Sie wollen Ein Wietnes vohr brengen dass die Waare denn werth nicht hat. und dass Er nicht die Waare bekommen hat was er kauft hat. Dass sind lauder Excuses aber es kann ihm nicht viel helfen, Ich habe sie verklagd in deinem Namen, Wenn es nothwöndig ist so kann ich selbst wietnes sein Es sind auch Rascals. Little Doctor Schwötz nicht mehr zu mir. He told us we. could not get a better Note Than his,.

nichts mehr vier dieses mahl griesse mir Deine Frau und Kinder viel mahl. benobst alle gute Freunde die nach mir frachen Es grüsset dich Dein

Dreuer Nephew
ALEXANDER MAYER

XIV.

SAN FRANCISCO June 14th/1851.

WERTHER UNCKEL

Dein werthen Schreiben von 22den April ist mir mit freute zu Handen Gekommen. Worien ersehe dass du bey guter gesundheit

bist Denoch wie ich dein Brief gelesen habe Dass Deine Liebe Frau nicht gesund ist wo mir sehr Leid gethan hat wie ich die nach richt bekommen haben Ich hoffe wenn es nur kein gefahr wierd sein. ich konnte mir gar kein begrief machen Dass ihr Die Mail verseimd hat. Mein Wunsch wierd sein Dass Dieser Brief dich und deine Frau und Kinder Gesund antreffen wierd. ist mehr werth wie all dass Gold in California. Ich habe in mein letzen Brief euch geschrieben Dass ich Diesmahl geld schiecken wierd ich habe mein bestes probierd, aber ich konnte es nicht machen Ich muss heute oder Morgen freight zu bezahlen an die Barque Palantine. und dass man sachen soll will mich verlassen auf die Buissness, man kann gar nichts verkaufen so eben ich nicht allein alle andere Leude mansche mahl meine ich dass ich verzweifeln muss. in so einem Land wie Dass ist.

Lieber Unkel ich habe Ein Tag nach dem Feuer Dier geschrieben vier Waare zu Schiffe. wo ich hoffe dass du keine geschieckt hast, ich will nicht haben dass mir kein sent werth shieckst nicht vier nach California. Ich sache dier wenn ich Ein Bruder hät und wollt Waare haben für nach California, konnte kein sent von mir bekommen. Es ist zu viel gefahr —— nehme dich zusammen und halte was du hast. ich werde probieren Dier bald geld zu Schiecken die Geschäften sind Schlecht. und nach Dem Feuer habe ich etwas waare gekauft hier und dass bisjen geld aufgelegd. schon hätte ich dier geld geschieckt, man hat gar nicht getacht dass die Geschäften so aus fallen. ich konte dier mehr Schreiben darieber aber es ist mir gans müss davier ——

Lieber Unckel ich Schiecke Dier Durch diese Mail The Claim against the Insurance Co. beobachte nur in die Bills wie ich die preise angeben habe. ich wussde die preise nicht mehr. exact. meine Bills sind mir verbrant und auch meine Bücher. Lasse denn Edwin in dem Day Book alles einrichten wie ich es in meine Bill Habe im fahl die Insurance frachen sollt vier Die Bücher. ich habe doch verloren genuch die machen auch etwas an meinem verlusst bezahlen. Die Waare sint auf gebrannt Der Simon Shloss hat auch sein claim vier $1400. seine Claim war nicht mehr als wie $200. so dachte ich brauche auch nicht so Ehrlich zu sein. ich glaube er ist Insured bey dieselbe wo mir sint. Der Mann wo Die Papiere ausgemacht hat, Der Mann ist geglaubt Er ist aus gesteld von die Regirung als Porte Warden lasse nur alles Schön endre in dem Buch. Der Porte Warden hat diese waare gesehen zwei Tage vor dem Feuer. Wenn ich zu dem Mr Haven gesacht hät. so hätte ich mein Leben kein sent bekommen, so habe ich noch a Chance. Die Papers sind richtig Ausgemacht wie sie sein sollen. Die Babieren kosten mich aus zu

machen $67.00. so hoffe ich dass es Collecten wierst and place the same to my Cretid, nichts mehr vier Dieses mahl Grüsse mir Deine Frau und Kinder viel mahl Ich verbleibe Dein

Treuer Nephew

Der Mr E. S. Elfelt lass dich und A Mayer

deine Frau und Kinder viel mahl griessen

so wie Auch Stein.

Elfelt Trössde mich, und ich Trössde ihn.

Wenn es difficult sollt sein mit diese papiere so Schreibe mir darieber

XV.

(*The freight is only Paid to Chargres*)

San Francisco June 30th/51

Mr L Mayer

Philadelphia

Pa

Dear Uncle.

Enclosed Please find a Bill of Laiding for One Hundred Aunzes of Gold Dust. shipped by the Pacific Mail Steamship Co. which I paid for Freight & Box 34⅞ I am in Hopes that you are in Receit of my Last Letter and Tow Packages sent by Adams & Co: Express. The Claims Against the Insurance Co. Damaged by ship Masonic & Mazatlan, And I am in Hopes that the Same will be Paid, and also I think that we are Entitled to get the whole Amount of the Bills. It is not my fault that this Goods got Burned up The Porte Warden Said that Day and Ordered the Said Goods to Auction by the Next Week And the Fire Consumed the Goods on the Same Day or at least the Same Night. Dear Uncle it is hard for me to write you Again about my Misfortune. I had on the 22nd of June a Large Fire took Place again. And I am an Heavy Looser again. I can not Blame myself, I have not neglect a Minute to Move. And I worked till the Last Minute. I know I have been in my Store and the Fire Men Scrimed I shall go out of the Store the fire is Behind me. I thought then it is the best for me to go out the Store. Rather let them Goods Burne then my self, I know You dont want medo that

Even I had a great many Goods out of my Store a great many Burned up and some I safed. and Good many getting Stolen. it is Likely that I get some back again, A Person at Home cannot Imagin this fire's what takes Place Here. I know very well that Day I would been glad to give One Hundred Dolls for a Dray $100 pr Load I could not get any to safe my Life, The whate I have

saved I had the Goods Laying were other People had theirs Laying. and mine Caught fire, and others did not. I put the fire out with my Hands, and then I hollerd out I give any Men $5. to Carry a Load or at Least an Armfull away or Else every thing would went to the Devil. If it goes that way after while I could not Buy me a Pair Shoes. I had 5 Packages down from the Palatine when the Fire took Place. the most of this I have saved the Parrasols I did not loose One 3 or four got brock it is astonishing such Article to safe like they got Handlet about. the Market is full with Parrosols and Carpet Bags Since the Last 3 weeks. This June fire I shall recolect for atime hence The May Fire I did not mind so much. as I do this. I wrote you in May for Some Goods to sent me, I am in hopes thate You did note sent them. it might be good andit might not. and in the Same time I wrote you that I will be Home by next fall. But you need not Expect me in the least: I shall stay Here now And try to make up my Losses. My wish is only to bring back Again whate I brought Here there fore it is impossible for me to tell when I go back Again. You may Really Belive me Since I left Philadelphia I look ten years Older. In all my Days alife I have not been so down Hearted as I have been for the Last 6 weeks. Some of this Days I shall write more definete whate Stock I have got on Hand and whate I have lossed by the Two fires Lazard & Goldman have lossed Heavy also. there fore look out for Straus & Goldman if you have sold them any thing. Potsdamer & Rosenboum Lossed $14.000 again they been living 4 squares further down where I lived for Safity they Moved their Goods, Some Men had their goods Laying along side P & R. did not Burne up and their Goods Burned up? a Man got one Misfortune then Comes one after the other. Edwin you write me in Your Last Letter Keep on I shall keep on with my Segars. I done so. I thought so myself. I should have a Profit. Now I got a good price John Fire have not been Perticular about the price Cleared them out all of them except Some boxes for me to Smock. the Segars which you sent me by the Barque Palatine I have not Opened them Yet I stored them. and some more Goods Besides. About the Market I Can not write You much the Market Dull and prices Low. This fires dont affect any the Market. Contary it makes every think quired. This week I have seen selling at Auction Some Prints at 5½¢ pr yard home cost 9¢. and Some 4 to 4½ Home cost 7 to 7¼ My Candles I tried them at Auction 20 Boxes I had Sold for 32½¢ pr lbs Simon Shloss sold some for 37½ but cost at Home 42½ the Real Sperm that is the way it goes here. If I would want to keep mine I could Solt them by a Couple of Boxes at 35¢. Ed you wrote me about Mr Finks Papers I shall attent to it I shall

go up to Sacromanto City Soon and try to find Woodward out and do my best. The Expense I make I shall charge to Mr Fink it cost me at least $20. to go up. I was Sorrow to hear that my Aunt was sick But I am glad that She has recovered her Healths again in my Gold Box I sent you oppened you will find a Letter and a Specimen for my Aunt the Specimen ways 2¾ aunz Give my best Respects to Mr & Mrs Bomeisler Eveline Chas Thea. and all Inquiry friends. hoping that this Letter will find all of you in a Perfect State of Healths, I am quit well hoping you do a Goods Buissness at Home and not Loose much I remain Yours Truely A Mayer Give my best respects to Tomi Lipper Mr Bodenheim and Sharff are going away from Here do. they go to Europe they come Probabley to Philadelphia they come to see You they live here by next Mail. Simon Shloss is Selling off fast and intents to go Home Soon a great many will go back again by next fall. Stein lossed some by the last fire too. in the Last fire were Tow jehudem Burned to deaths again they stoot in their Store to save their goods And a Mr Polock[4] from Philad[a] was shut from another Men. the Same Day the fire took place I expect You know him. he was quit a Gentleman He is a Brother of Mrs Binswanger[5] His Buisness were Gambling. that is all the the News I can write write You Except they Catch the Man who put they City in fire again a Neger he was instructid of a Women a Low Live they arrest both of them. that is a great Country I hope you can read this and remain Yours &c. &c. &c.

XVI.

San Francisco August 1st/51

Werther Unckel

Dein Brief von Monat June ist mir zu Handen gekommen so wie auch die Notes von Grunnewald & Washer so wie auch die drei Notes Gegen Martin Fulda. von die zeit als ich euch geschrieben habe von wegen Greenwald zeit dem habe ich ihn nicht mehr gesehen. und weis auch nicht wo Er ist. Wenn ich Ein mahl nach Sac. City gehn so werde ich mich mich Frachen wegen ihm. Die Neckste Woche werde ich zu den Martin Fulda gehn um zu sehen ob ich etwas mit ihm thun kann, Enclosed Schiecke ich dier Einn Bill of Lading for Gold Dust (66 auz) wo ich durch denn Stemer Oregon

[4] Son of Hyman and Rebecca Polock.

[5] Elizabeth Sophia Polock, June 6, 1829-March 1, 1905, married Isidor Binswanger, 1849. She was a charter member of the Jewish Foster Home of Philadelphia. I owe this information to the late Rebecca Rosenbach.

geschieckt habe. Du kannst dem Moses Abrams Gredieren für $306.35. Nun ist er noch Schuldig Ein Ballance von $167.36. Dass andre kannst du mir Cretid geben so wie auch mit Ein hundert Taller wo ich bezahlt habe für dich an denn Lawyer die Suit gegen die Jacobies, Gestern Habe ich ouch Ein brief mit gegeben so wie auch ein News Paper. mit John D Bomen. wo ich hoffe dass der John Euch Er zehlt von California und so wie auch von mir. In der Hoffnung dass diese par zeilen dich und Deine Liebe Frau und Kinder gesund antreffen wierd so griese Sie alle viel mahl vier mich. und alle gute freunde die nach mir fragen. Schreibe mir bald antwort. du Schreibst mir sehr wenig. Es grüsset dich Dein

Treuer Nephew ALEXANDER MAYER

DEAR EDWIN

In Reply to your Last Letter. in which I Peceive that your are in a Perfect state of Healths, the same you may expect of me. it is rather Strange, that you don't feel Satisfied on account I dont write you enough News. or Else I shall state to you were my Store is Situated. And what Buissness I am Doing. and all such stuff. A man Here cant say I keep on such a Place. and To Morrow Perhaps on another. Then it may be may not keep any where's A fire may come to night and Loose every thing and not have enough to pay a Breackfast withe. and concerning about the Prices of Goods it is not very Interesting to write Home. Edwin it seems that you think I go every week to the Lodge's. I like to go But it wont do to go from Store far away, At Home you cannot Imagin whate Danger is when a fire Breaks out. a Person have to be on the Spot. Last Wednesday night I have Visited the Bro^{s} California Lodge N^{o}. 1. The same time when I was there, there was Negiation too. But I tell You Ed it is not like in Philad^{a}. I Really think they don't know much about it I. O. O. F. The time when I got there I gave up my Traveling Card. Then Came out the Pass Grand. and said I suppose you know a hold of the Cripe But He never ask me for my Traveling Pass Word. I were Really Surprised about it. next friday night or to night I shall go to another Lodge. of any other News I dont know much. By the next Steamer Mr Simon Shloss, Lazard and Levi. Live for Home a Good many are going Home by this time, Give my best Respects to your Pa. Ma. Ant. Eveline Cha^{s} Theo. and your Uncle Joseph hoping that this few Lines Will find you all in Perfect State of Healths.

I Remain Yours
Truley Friend
A MAYER

P. S.

Enclosed in the Box of Gold Dust it is a Piece of Gold Weighs about $21. it is a good Deal of Stone in it. But I think If you sell it to sombody for a Speciment. you can get more for it. at Least I think so.

XVII.

San Francisco Aug 15th/51.

Lieber Unckel

Am 4ten Mai Habe ich Traurige Nachricht bekommen Durch Edwin. Dass Deine Liebe Frau Gestorben ist.[6] Wo mich sehr verschrocken hat, solge nachrich zu bekommen, Solge junge Frau Wie Sie War. Es ist hart vor unsere Familie. aber nicht so hart wie vor meine vier kleine Cousins. Ihre Mutter jungen Mutter zu verlieren. Lieber Unckel mir müssen uns Trösten und du auch mir können es nicht anders machen. Der Almögtigen hat es so haben gewollt. Wie es der Liebe Gott. macht so müssen mir zu frieden sein. Die Letze Mail war ich so froh und konnte bald Die Zeit nicht abwarten. bis ich ein Brief von. zu Haus habe. Denn breche ich mein brief auf und lese solge neuigkeiten. Ich konnte es bald nicht glauben. Aber es kann alles möglich sein von dem Almögdigen. in der hoffnung dass Diese par zeilen Dich und Deine Kinder gesund antrefen. so wie die ganze Familie. Ich kann nicht mehr Schreiben. mit Treneden Augen. wem Ich nach denke Dass Ein Unglück über dass andere kommt, viele grüsse an Mr & Mrs Bomeisler Evy. Cha[s] Theo so wie auch Edwin

Grüsset Dich
Achtungs Dein Treuer
Nephew A Mayer

Enclosed Schiecke ich Dier eine Duplicate Bill of L. vor dass letze Gold Dust. Von neuig keiden kann ich dier nicht viel Schreiben Die Zeiten sint Schlecht unbarmlich. Es ist auch keine aus sicht Vier bessere zeiten Der Shloss kann Euch verzehlen von California.

AM.

P. S

Enclosed Schiecke ich Dier ein specimen Ring for mey Cousin Cathrine. Wenn der ring nicht fitted thut so kann der Gold arbeider Levi endern. Dass Schiff Bengale ist die Woche hierein gekommen.

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[6] Lazarus Mayer, a native of Germany, had married Josephine Bomeisler. He belonged to the Beth-El Emeth and Mikve Israel synagogues; at one time he was a member of the board of the latter.

XVIII.

San Francisco Aug 30th/51.

Dear Edwin

In reply of Yours of 5th/July Came Duely to Hand. which I was very Glad to Hear of your Good Healths and all the rest of the folkes. My self I am not very well at present I have the chills & fever I have not Ead any think for the Last three Days. But However To Day I feel much better. Ed. Sometime ago. I wrote You about the Vigilence Commitee This two Men M°Kinzy, & Whiteker they were Sentenced to be Hung by the Comp, at Once This two Men where stolen away Midnight at 2 °Clock from their Rooms. The Govenor of Cal. the sheriff & Police Men took them. The Vigilence Commitee they were bound to have this two Men back again 24th of Aug at ½ past 2 o'Clock they enterud the Prison and got this two Men out. and put them in a Carriage and Pursued to their Head Quarters. and I followed them. I tell you all this whate they have done it did not take more than fifteen Minutes I have seen them Hong I was very Glad of it too. I tell You Ed. that it a great Country. The Govoner must be quite or Else they Hang hinn.) Enclosed you can see how Prendy they Hang there. it is very well taken.

nothing mor at present give my best respects to all the folk. I was very Glad to Hear of the New firm L M & C° Emanuel Goldstine Lives to Day too for Home Poor fellow is sick, I think He has got the Pox. Also Mr Heiter will live for Home in two Weeks I dont know Yet whate I shall do to stay Here or go Home I dont see no Prospect whate soever of getting better. I got no Store at present. it is no use for my little Goods by next Mail I Sent Some Money.

I Remain
Your Truely
Friend
A Mayer

Remember Me kindly to Tom Lieper.[7]

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[7] This letter occupies the first and second pages of a four-page sheet. The third is blank. The fourth comprises a vignette of the following:

"Tremendous Excitement!

SAMUEL WHITTAKER and ROBERT McKENZIE rescued from the authorities, and hung by the Vigilance Committee, on Sunday

XIX.

San Francisco Aug 31/51.

Werther Uncle

Dein Schreiben ist mir zu handen vom 6ten Juli darin ersehe ich dein guten Wohlsein. wo mich sehr freude. warum Dass ist mehr wie alles in der Welt, Lieber Uncle du bemerkst in deinem Brief du kanst dich gar nicht verstehen wegen mir dass ich anhalten thue mit meine Waare Wenn ich profit sehe ja da hast du auch recht. zeit dem als ich hier bin habe ich auch nicht viel davon gesehen dass die Waare profit holen, Der Einzige fall war nach Denn Mai Feuer da hat es gedauert zwei bis Drei Tage. Die preisen waren hoch aber nicht viele Keufer. ich habe dier auch nach haus geschrieben dass der Market nicht geseteld ist. und was konnte ich verkaufen damals nichts als wie Domastics Ich ware Offerierd 12½¢ davier Ich Dachte Damals wenn Ein article guten preiss holt so muss Dom. und zu dem ich war nicht der Einzige Narr. noch mehrehe Leude. Es thuet mir sehr Leud wenn Du hart von mir denkst. dass weist du selbst vier unglück kann mann nicht. glaub sicherlich wenn ich es helfen gekend, so hätte ich es gewiss gethuenn

Bei Die Neckst Mail Siecke ich dier Geld alles was ich zu sammen brenge. Ich hätte es gern bey Dieser Mail geschieckt aber ich konnte es nicht machen. Die Matrasses habe ich verkauft für $8. Dass Stück Da verliere ich ungefähr 20pr sente Ich habe sie noch besSer verkauft als wie der Pottsdammer Er hat blos $7½ vier seine bekommen. Ich war vier die letze vier Tage nicht gesund. Ich habe Die Chills & fever gehabt und da habe ich gleig Ein Docter genommen und habe Medizin genommen und viele mich heute Gott lob viel besSer.

nichts mehr vier Dieses mahl

Grüsset Dich
Dein Dreuer Nephew
Alexander Mayer

August 24th at 3 o'clock P. M. in the presence of Fifteen thousand People.

Lith. & Publ. by Justh. Quirot & Cº
Calif. corner Montg. Stˢ S. F."

While rather crude, the illustration plainly shows the two bodies of the hanged men, dangling before the gaping crowd. The names of the occupants of the different buildings depicted are noted thereon; none of these was that of Jews.

Ob ich Denn Brief vort Schiecke
muss ich noch etwas neues
Schreiben heuten Morgen sind die Neuigkeiden
gekommen Ein Städgen heist Marysville
Dass ist auch abgebrennt, ungefähr 250
heuser abgränd. Schöne Medüne.

d o.

XX.

San Francisco Sep 15/51.

Dear Uncle
L. Mayer
Phila.

Enclosed please find a Drf on Mess Adams & Co. Phila. No 9731. for One Thousand two Hundred & fifty Dolls Drawn Thirty Days after Sight. I could not get a Draft of Adams at Sight. Except on Bowns & Brown for 2pr. cent. and this Draft dont cost any thing. I got it for Par. and I think if you need the money you can raise it for ½ pr ct. and please place the same to my account. of any Perticuler News I dont know off. Except Mr Simon Heiter and also Mr Lazard Partner of C. Levy & Cº are living in the Panama. for Home. Hoping that I do the Same Soon and If I do I sell my Little Goods soon and try to sent money by next Mail. Hoping this few Lines will find you and all the family in a Perfect State of Healths. and my wishes that you do a good Buisness and no trouble with money matters.

I remain your Truely Nephew
A Mayer.

XXI.

San Francisco Oct 14/51

Werther Unckel

Ich muss Einige zeilen An Dich Schreiben und hoffe dass Diese par zeilen Dich und Deine Kinder gesund antreffen wierd Des gleigen ganst Du von mir auch hoffen. Ich viel mich bis jetz noch nicht kanz Stark. Es wundert mich sehr. Ich habe kein brief bei Die letze Mail kein brief bekommen von dier Ich Denke Ihr wierdet kein geschrieben haben schon hätte ich doch den selben bekommen was von geschäften anbelangd kann nicht viel Schreiben. Die Waare hat etwas atvancid aber nicht viel. nichts mehr vier Dieses mahl grüsset dich so wie auch Edwin

A Mayer

XXII.

San Francisco Oct 26/51.

Lieber Unckel

Ich muss Einige zeilen Schreiben. Dier wissen zu lassen von mein guter Wohlsein Des gleigen hoffe ich dass selben bey Dier so wie auch Deine Liebe Kinder Ich weis nicht was ich sachen soll ich habe schon zwei Mails kein brief von Euch bekommen. Dieses mahl musste ich mein brief früher Schreiben weil ich Heute San Francisco verlassen thue. und gehe nach Die Mines mit mein bisjen Waaren, und dorten Ein Retail Store anfangen. Ich dachte mahl nach haus zu gehen. aber ich kann es nicht thuen. Warum ich habe zu viel verloren. Wenn ich sehe Diesen Winnder Dass ich etwas machen kann diesen weg. so gebe ich nichts Darum und bleibe hier Wenn es mich auch Drei jahr nemmt vier den ver lusst auf zu machen. vier mich gebe ich nichts darum. Wenn ich keine fünf sent mache. Nur dass klück sollt habe wieder eben zu kommen. mit California Ich bin ja noch jung. und was soll ich zu haus thuen. Da kann ich Dich nicht mit bezahlen. in meinem letzen habe ich Dier geschrieben was ich ungefähr noch habe es belauft sich nicht ganz so Viel. und denn Du weist selbst gleine Amount Stock habe ich noch und viele Waare wo ich müsst sehr viel Daran verlieren so wie Alpaca. und Cord Roy Pants. über Drei hunderd Dollar Cord Pants. soll Ich Dieselben an Auction Schmeisen und 95 bis zu 1.00 vier Corde Pants nehmen und noch so mehre Artickel Dachte ich will dass nicht thuen. Das bisjen wo ich noch habe Den weg zu verkaufen bis ich nach hausen thät kommen so thät nichts mehr überig bleiben und ich denke Du gebäst mir recht Darieber so probiere ich es in Die Mines. Wenn wier rechen bekommen diesen Winnder so Denke ich etwas geld zu machen Es wahr kein rechen dass letze jahr. und wenn es vertig es gibt es kein rechen wieder Dieses jahr. und Wenn Dass der fall sollt sein so ist ganz California vertig. so liegd es ganz in Dreck. Warum Die Miners Die müssen Wasser haben vier dass gold zu waschen. Dass kanze Buissness hängd ja ab. an die Mines —— Die Principe Cigars habe ich die letze Woche etwas an Auction verkaufen gelasst. Dieselben brachten 8 bis $9. Dass Tausent Die Leute hier wollen hier kein Träsch so. sie wollen Cigars wo man in Philad[a] nicht hat man kann hier verkaufen Havana Cigars von 100 zu $110. Dass Tausent wer Ein gute cigar raucht der gübt Ei[n] viertehl Doll vier dass stück. weiter nichts vier Dieses mahl

Grüsset Dich

Dein Nephew

A Mayer

P. S.

Meine Briefe
könnt ihr dass selben
adresieren wie befor.

XXIII.

Sonora Dec 9th 1851

Werther Unckel

Dein Schreiben Von Monat September und October sind mir gestern Erst zu hand gekommen. Darien ersehe ich dein guten Wohlsein. in jedem Brief Schreibst Du mir, dass Ich aus verkaufen soll, Wenn ich auch Geld verlieren muss. Mann muss hier gar viel verlieren, Ich habe es schon aus gefunden. im Monat August und September habe ich Summer hosen und Parrasolls verkaufen an Auction wo ich sehr viel daran verloren, so dachte ich in meinem Mind dass bisjen wo ich noch überig habe dass würde sein, hier zu bleiben Diesen Winder. um etwas zu verdühnen, und ich habe würklich gedacht dass wier Diesen Wünder besSere zeiden bekommen. Wenn es nicht ist so habe ich meine Schuldigkeit gedahn Wie ich vernehme in Deinem letzen brief so denkst du dass Ich alles auf zehren will. Ich habe bis jetz noch nicht sehr Gross Artig gelebd wie jede anstendige Mann soll thuen. Gegenwärtig drünke ich Schwarze Kaffe. und Drocken Brod. Wie Ich vernehme in Deinem Brief. und so wie auch Dein Wunsch ist mit mir Wenn ich denke Dass Ich Geld machen kann in California so soll ich bleiben, aber Dein Geld Willst du geschiecket haben. Ich werde Es thuen mit den grössten Vergnügen. Du brauchst nicht zu denken Dein Geld Auf zehren will. Der sent soll auf meinem herzen Ver kränken. Du sollst ja besSer von mir Denken oder können, Ich war ja sechs bis sieben jahren um dier herum. Ich muss sachen Du hast mir Eine Schönen Brief geschrieben als Unckel. Ich werde brobieren so bald als möglich ist Dier etwas. Geld Schiecken nach und auch werde ich Dier alles Schiecken, und Wenn Gott will bleibe ich in Einem fremden Lande nicht halden. Den Ballance von Moses Abrams habe ich erhalten $172.— Ich habe Gegen wärtig Ein Store in die Mines. aber Geschäften Schlecht. nichts mehr vier Dieses mahl

Es grüsset
Dich Achtungs foll
A Mayer

XXIV.

Columbia Jan 23rd *1852*

Werther Unckel
L Mayer
Philadª.

Ich bin gezwungen Einige zeilen Dier mit zu theilen was von meine gesundheit anbelangd bin ich Wohl. Des gleigen hoffe ich es

bey Dier so wie Die ganze familie. Ich bin schon bereits Drei bis fier Monatte in Die Minnen, und blos Ein Brief von Dier erhalten. Ich weis nicht Warum Dass ich nicht nach haus gekommen bin oder Dein Geld nicht nach Haus geschieckt habe. Meine Gedanken Warum in California zu bleiben, meine Loss auf zu machen. Diesen Wiender ist ganz Schlecht aus gefallen. Dass konnte ich nicht wiessen. Ich habe mein bestes propierd Ich denke aber wenn ich hier bleiben thue. Diesen necksten Sommer kann ich etwas hier machen. Und ich Denke meine meinung ist Die beste. Pfliecht und Schuldigkeit hier zu bleiben Edwas zu verduhnen. und gute freunde mir es advised haben. zu thunn. und ich Dachte ob du bereits die Drei Tausent Taller hast oder nicht wo ich besitze. Du kannst Doch Durch kommen. und so weit wie ich weis, habe ich bis jetz noch nichts durch gebracht. und werde auch nicht. Mann muss nicht Ein jungen so gleich Verdammen. Wenn Er sein bestes propierd. Du könnst doch so gut sein Ein par zeilen an mich zu Schreiben. Wier Dier es geht zu Haus und ob du gesund bist so wie Meine kleine Cousins. Es thät mir grosse freude machen. Ich will Deine meinung darieber haben was Du denkst von hier zu bleiben Du brauchts nichts zu Denken dass wo ich bis jetz noch besitze ist nicht verlohren kanz und gar nicht, du hast noch nicht geschrieben an mir zeit als ich Ein Träft nach haus geschieckt habe an Adams & Co^{s} Express. so weit entfernd zu sein von Dier Gleiche manschmahl etwas von Dier zu hören. ich muss beschliessen mit Diese par Zeilen

Es grüsset Dich

Viele Grüsse A Mayer
an Mr & Mrs Bomeisler
so wie auch Edwin, Eveline und
so weider.

XXV.

Columbia Jan 27th *1853.*

Werther Unckel
L. Mayer
Philad^{a}
P^{a}

Deine Werthen Schreiben von 3den December ist mir mit Grossen freuden zu handen Gekommen. von deinim guten Wohlsein zu hören. Desgleichen kannst Du von mir hoffen. du sachst in deinem Brief Dass Die Zeiten so Schlecht sind zu Hause des bedaurniss dir zu mölten. von California eben fals. was heisst Schlecht. Die Uhrsache ist Die Geschäften Schlecht sind in die Münen Es ist

kein Wasser da. und Gold. hier in Diesen blatz wert Ein Canall gemacht wo bereits noch 6 bis 8 Woche dauert bis der selben hier ist. und Wenn es nicht hier her kommt so gehe ich von hier Weg. und mit Einem Wort zu sachen Die Rag Buissness in Münen sind zu übertrüben. Was von San Francisco anbelangd kann ich nicht viel sachen wie ich hörte sind die Geschäften da Auch Schlecht. blos Einige Artickels wo rahr sind. Blk Silk Cravats sehr scarce. schöne Cass Pants $80. Blk Cass Pants sind $110. to 120. Drilling beim Ballen 18 to 22 cts. Aber Die juden werden sehr wenig thuen Die Grüssden werden es machen. Warum die juden sind Alle gebrochen. Die meisten können nicht mehr impordieren.

Es grüsset Dich
Achtungs foll
Dein Nephew A Mayer

viele Grüsse An Mr Edwin Bomeisler so wie Die ganze Familie

XXVI.

San Francisco April 30th/852.

Lieber Unckel
L. Mayer
Philad[a]
Pa

Inliegend erhaltest Du Ein Wechsel an Adams & C°[s] Die Summa von $233.$\frac{75}{100}$ for Exchange Seven 21/- which will be $240.60 Dasselbe habe ich Einkasiert von Martin Fulda. Ich habe Ein Grossen Drubel gehabt zu Colecktieren Er ist ein Spitz bube. Die Uhrsache wahr dieses dass Er Euch nicht bezahlen wollt. Er sachte Er hat Ein Claim gegen die Notes. Er sachte mir Er wollte die letze wo Due kommt necksten January 1853 die wollt Er Nie bezahlen. Ihr müss nie nicht mit Ihm Settlen. Warum Er ist Gut worth about 15 to 20.000 Dolls. He lives with this Steamer to New York. But he has got his Store here yet. in Case You want the Last Not against him write to me for it. so eben wie ich mich nieder setze thun an dich zu Schreiben. Erhalte ich ein Brief von dier von Monat Merz. wo mir sehr wahr zu hören dass Du diesen Winnder Krank warst. was von meine gesundheit anbelangd bin ich sehr Wohl. Ich habe mich gewiss erstaund zu hören dass Du so grosse Confidence gehat hast zu Fink & C° $2800 Ich kann mich ganz gut erinneren du sachtes zu nicht mehr als 6 bis 800 ferborgen an Fink Ich denke aber dass du grosse Geschäfte gethan hast zeit als ích weg bin von zu haus. lasse die Spütz buben gehen. Da verliere ich als lieber in Einem Mai Feuer. als wie an Ein Polack.

Diese Woche gehe ich nach Sac City um aus zu fünden wo der Woodward sich halt. ob ich etwas thuen kann. ich gehe Express dahien. und mögte auch gern nach haus wieder. aber es kann nicht sein. Lieber Unkel in jedem Brief wo ich erhalte von dier Schreibst du von geld Schiecken. Du bist doch nicht so Dumm dass ich dier alles auslegen muss. du weist ganz gut dass ich hier Bleiben will um die Losen auf zu machen und da muss ich geld hier haben vier geschäften zu thuen. Ich schon zehn Tage Hier um Waare zu kaufen ungefähr $2600 geld mit gebracht lege alles aus und kaufe noch Cretid Die Waaren sind sehr Teuer wieder Ich denke dass beste wierd sein vor uns dass du kleinere Geschäften thuest. und mit jeden Clipper Schiff etwas Waaren Schieckst. und dann können mir geld machen. Die Howlsale Buissness in San Francisco sind nun ganz anders. mehr geregeld und wenige jehudem. überhaupd alle Waaren holen Ein guten profit. wenn ich in Country bleiben soll. und da die Losses auf machen Dass nimt mich sehr lange etliche jahren. aber wenn du jede zwei Woche etwas Goods weg Schieckst so kann ich mit jeden Steamer etwas geld Schiecken. aber du muss kein Angst haben. Ich habe keine Angst mehr. da nehme ich mir Ein ganz gutes haus wo ich Schlafen kann. Wenn du zu frieden bist so Schreibe mir gleich antwort so settle ich mein Buissness auf in Country und dier dass geld gleig Schiecken was ich an Hand bekomme. Wenn ich dich versicheren soll mir können geld hier noch machen Wenn du nur gute Waaren Schieckst Alle Leute machen wieder Schönes geld die wo Waaren bekommen von zu Haus und nicht an diese Spitz bube verborgen in Philad: und haben alles in unsern Händen. Mache Dein Mind gleig auf und Schiecke gleich etwas weg mit New York Clippers du brauchst nicht auf zehn cent freight Schauen.

Kaufe 50 Dz Schöne Paterns of fancy Cassimere Pants from 2.75 to 3.50

Kaufe 12 Dz Schöne Blk Doeskin Pants from 350 to 4.00

" 30 " of Assorted Collers Sattinet Pants But Lined about 2.25 to 2.50

Kaufe an Assortment of Blk & fancy Vests from $20 up to 36.

also Blk Cloths Vest nur lang geschnitten about 6 Dz fine Pilot Cloths Jaccets aber nur Schön. a Large Lot of Silk Hkfds. wen du Eine grosse Lot kauftst so kannst du sie billig bekommen Der Aron Jacobs hat 900 pr Hier Her geschieckt kosten ungefähr 1 62 to 1.75 Er hat sie alle verkauft für 3.50 zu 4. Schiecke etwas Hkfds for 2.50 und 3.50 und kaufe die französche Tüscher wo in Boxes kommen High Collers nur schön kosten zu haus angelfähr $4.00 —— Schiecke ungefähr ganze grosse Lot of Blk Silk Cravats von $7.50 to 12 pr Dz.

so wie auch ganze gute fancy Silk Cravats different prices. Schiecke so viel du bekommen kannst Pensylvania, Nid Woolen Socks Die beste wo im Market sind und Eine Lot ganze gute Merino Socks— du kannst auch etwas Germantown Socks. Schiecken. kaufe Ein Assortment of California Hats But good Quality Blk Brush Hats &c. aber nur billig. Die Kleider misen alle Schöne aufgemacht sein du brauchst nicht auf ein Schilling zu sehen. und Ein Schönen Schnitt. Wenn Du Ein Haus ausfünden kanst wo Schöne Boys Clothing auf gemacht werden so Schiecke Eine Invoice. Boys Cass Pants with spring Bottoms und Plene feine Satt von No 20 up 30. so wie Schöne Jaccets und Coats aber nur Schön nichts gespard an die Trimmings Schöne Lining an alle Clothing Common wie feine. du brauchst Die Grossen Lotten auf Ein mahl zu Schiecken nicht zu Schiecken. Schiecke mit jeden Clipper von New York 5 bis 6 Packages —— und immer den weg waren erhalte so kann ich jeden Steamer Eine Remitance machen. und geld dabei machen. Du kanst ganz ruhig Schlafen Es ist Ein besser geschäft wie an Fremden Leuten verborgen. Schiecke ohne fehlbar aber gleig es macht Eine grosse unterschied wenn Die Waren geschwind hier sind. Schreibe mir gleig antwort darauf Warum ich muss es wisSen dass ich in die Country aus verkaufe. Spatz & Newhouse[8] machen sehr viel geld Jacobs & Levi machen auch zimlich Levi kommt nach haus in August aber kommt wieder zuruck ich hätte dier den Ballance von Moses Abrams geschieckt aber ich bin geld zu kurz gekommen ich werde es mit neckstes Schiecken. von Jonas Jacobs habe ich bis jetz noch nicht bekommen aber es wierd nichts an ihn verlohren. in der hoffnung dass dieser Brief dich in guten gesundheit antrift so wie deine Liebe Kinder. Grüsse mir alle gute freunde die nach mir frachen. fühle grüsse an Mr & Mrs Bomeisler so wie die ganze Familie Ich werde Schreiben was ich aus richten thun in Sac City wegen dass Judgement of Woodward Grüsset dich A Mayer

XXVII.

Columbia May 23rd *1852.*

Werther Unckel
L. Mayer
Philad[a].

Ich muss Einige zeilen an Dich Schreiben was von mein gesundheit anbelangd bin ich wohl Des gleigen hoffe ich bey dier so wie

[8] Bernard Spatz and Joseph Newhouse were copartners and brothers-in-law. See Morais, "The Jews of Philadelphia," p. 291. I owe this information to the late Rebecca Rosenbach.

deine Lieben Kinder. Ich hette dier letze Mähl geschrieben ich habe die Mail verseumt Ich ware in Sac. City wegen dass Judgement. Der Mr Wood Ward wohnt da aber Er ist nicht zu haus. Er wird bald nach Haus. kommen He is on His way to Sac City from *Salt Lake*. Ich habe dass Judgement da gelasSen Einer von der erste Lawyer in California. Wenn der es nicht Collecten kann so kann keiner. es thuen. Ich hörte dass Er 160 Mules hat. Die sind zimmlich gold werth. Simon Grunewald habe ich auch da gesehen Er hat denke ich nicht viel. aber ich denke Ein Settlement heraus bekommen Ich habe ihm geschrieben Drei Tage zu ruck. Dass ich $500 vier den Claim nehmen $250 Cash. & the other 250 on 90 Days with en dorsement. it is the best way to get it out of the route. I shall go to Sac City when I go again to San francisco.

von viele neuigkeiten weis ich nicht zu Schreiben was von meine geschäften anbolangd bin ich so weit zu frieden sie gehen so zimmlich. Ich habe auch Ein Schön Steckschen Ware an hand. viele grüsse an Edwin so wie auch die ganze familie.

Es grüsset dich
Achtungs
ALEX MAYER

HUGO GROTIUS AND THE EMANCIPATION OF THE JEWS IN HOLLAND.

By Arthur K. Kuhn, Ph. D.

The year 1925 marked the three hundredth anniversary of the publication of the great work of Hugo Grotius, "Concerning the Law of War and Peace" (*De jure belli ac pacis*). After three centuries of experience and progress, this work still stands preëminent as the greatest single authority upon the portions of international law with which it assumes to deal. Its author is still referred to affectionately as "the father of international law," and his fame will endure not only as one of the great scholars of his time but also as a jurist whose work has markedly influenced the progress of the human race.

It is with great pride that the Jews joined in the tributes paid to him throughout the civilized world, not only because of his great contributions toward peace and justice, guiding aims of the Jewish religion, but also because of a more intimate obligation which the Jews of Holland owe to his name. In 1615 Grotius presented a remarkable opinion to the states of Holland, recommending that permission be granted for Jewish settlement under reasonable conditions within the territories of Holland and West Friesland. The document was entitled: *Remonstrantie nopende de orders, die in de landen van Holland en West Friesland dienen gesteld op de Joden.* It was found recently in the library of the Portugese Jewish Seminary *Ets Haim* in Amsterdam.

The circumstances of its elaboration by Grotius are described by da Silva Rosa in his history of the Portugese Jews in Holland, and a fac-simile of the title page of the document is there reproduced.[1]

[1] J. S. da Silva Rosa, *Geschiedenis der Portugeesche Joden te Amsterdam,* Amsterdam, 1925, p. 9.

At the end of the sixteenth century and at the beginning of the seventeenth, a considerable number of Spanish and Portugese Jews emigrated to Holland by reason of the persecutions in Spain and Portugal. An account of the cruelties practiced in the reigns of King John and King Manoel of Portugal is given by Salomon Ullmann.[2] These, added to the increasing activities of the Inquisition, started a tide of emigration under the Emperor Charles V. Graetz recounts how the accession of Pope Clement VIII (1592-1605) destroyed all hope of an asylum for Jews in Italy; so that in the whole of western and central Europe there was no place of refuge.[3] It was then that they began to look to Holland as a possible land of settlement. The Inquisition had not yet been extended to the new dominions of the Spanish crown. But almost from his accession, Charles V issued decrees against the admission of Jews to the Netherlands and for the banishment of those already there. At first these orders were implicitly obeyed but, as the tide of rebellion gradually rose in the Netherlands, the Dutch, who were engaged in a life and death struggle with Spain, refused to obey.

Ullmann maintains that there were no large numbers of Jewish immigrants into Holland until after the defeat of the Spanish Armada in 1588 when they felt reasonably safe in emigrating to the Netherlands, although these were still dominions of the Spanish crown.[4]

History is replete with instances of the spirit of persecution among peoples, themselves only recently emancipated. The reason for this might make the subject of a most interesting psychological study. The Dutch were no exception to the rule although, at the period mentioned, it may be asserted that there was no aggravated practice of persecution toward the Jewish immigrants from Spain and Portugal. However

[2] *Geschichte der spanisch-portugiesischen Juden in Amsterdam,* in *Jahrbuch der Jüdisch-Literarischen Gesellschaft,* 1907, vol. v, p. 19.

[3] Graetz, *Volkstümliche Geschichte der Juden,* 4th ed., vol. iii, p. 311.

[4] *Supra,* 10.

Koenen tells us that when the new synagogue Beth Israel was founded in Amsterdam in 1612, interference was encountered from the government. Prior to that time, the exercise of the Jewish religion had been quietly tolerated rather than expressly allowed.[5] Curiously enough, the treatment accorded the Jews was the outgrowth of a quarrel between the so-called remonstrants, or party of Arminius, who favored the dominance of the state in church matters, and the counter-remonstrants who supported the strict doctrines of the Calvinist Church, including predestination and church control. As the Calvinists assumed to interfere with the religious liberty of their opponents, the remonstrants relied for their defense upon the tolerance shown to the Jews. Thus, in 1617 a request to the magistracy of Amsterdam on behalf of the remonstrants to be permitted to continue unhindered in their public worship, specific reference was made to the tolerance accorded the puritans and other non-conformist sects banished from England, and

> even to the Jews who deny Christ whom the petitioners regard as their only Savior.[6]

Under these circumstances, the states of Holland were induced to appoint a commission, under resolutions passed on the 4th and 17th of March, 1615, to advise the states whether the Jews should be permitted to settle and upon what conditions. The commission appointed consisted of Reinier van Pauw, Burgomaster of Amsterdam, and Hugo Grotius (or de Groot), Pensionary, or leading City Councillor, of Rotterdam. Van Pauw had previously been *Schepen* of Amsterdam. He was one of the founders of the Dutch East India Company in 1595. Grotius had already achieved a wide reputation as a scholar and jurist, and had been sent to England with other

[5] Koenen, *Geschiedenis der Joden in Nederland,* pp. 145-148. The present writer acknowledges assistance rendered to him by Samuel Oppenheim of New York in translating portions of the book.

[6] Koenen, *supra,* referring to Brandt, *Historie der Reformatie,* vol. ii, p. 487.

contemporary leaders in order to settle the ever-recurring disputes between the British and Dutch East India companies.[7]

The response of van Pauw has not come down to us. It scarcely could have been favorable to the Jews because, even as late as October 15, 1619, van Pauw appeared before the councillors and complained

> that many Jews fleeing from Portugal and mostly coming to this country had so conducted themselves and inter-married with the daughters of this country that it tended to great obloquy, especially to the remonstrants to whom the exercise of their religion was interdicted while that of the Jews was permitted.[8]

Grotius' opinion was presented in the form of a so-called *Remonstrance* in which he endeavored to answer three questions, viz.: First, shall the Jews be permitted to settle in Dutch territory? Second, if so, shall they be permitted the free exercise of their religion? Third, what regulations are necessary in order to prevent harm resulting to church or state?

He answered the first question affirmatively. As to the second he favored granting religious rights similar to those permitted to the Catholics. Grotius pointed out that the Catholics would have no cause of complaint by reason of the grant of religious freedom to the Jews for, in Catholic states, this freedom was denied to non-Catholics, and the Catholics were therefore enjoying a privilege in Holland which they were not themselves willing to grant. For the solution of the third question, Grotius prepared a *Reglement* consisting of forty-nine articles, laying down the conditions under which the Jews should be permitted the free exercise of their religion. He insisted that the Jews should not be compelled, either by the character of their clothing, or otherwise, to distinguish themselves in any way from the rest of the community. They were not to enjoy the privilege of holding offices relating to the administration of justice or finance and their notaries should perform services only to members of their own faith.

[7] Koenen, *supra.*
[8] *Ibid.*

They were not to intermarry with " the daughters of the land." While he did not recommend a limitation of Jewish immigration, he advised that, under the circumstances, no more than three hundred Jewish families should be admitted to settle in Amsterdam.

It is perhaps difficult to realize today the extent to which the document represented advanced ground, especially in view of the many difficulties which threatened Holland in 1615 both from within and without the state. It may, perhaps, be characterized as the first document to be presented in modern times in behalf of Jewish emancipation by an influential non-Jew. For, although the *Remonstrance* was penned when Grotius was only thirty-two years of age, nevertheless his position and influence in the Netherlands were already well established. His English biographer, Knight, in speaking of this period of his career says:

> Apart from his politics, however, the position of Grotius in public affairs was one of marked influence. As jurist, especially, his opinions were received with the greatest respect. . . . . In private or social life the reputation of Grotius for learning was never higher than now—especially in the then brilliant diplomatic and literary society of The Hague—when the demands of public life was so definitely restricting his literary activities.[9]

It is particularly worth noting that Grotius himself was one of the early adherents of Arminius and thus was a member of the very party that had raised the issue against the Jews. His advanced stand in their favor is but another instance of the independence of his character. Indeed his imprisonment under a life sentence only three years later and his subsequent banishment following an escape, were the direct result of his adherence to the Arminian or liberal creed. Knight remarks that the dogmatists attacked him chiefly because of his use of Jewish scholarship. Grotius made a most thorough study of the Semitic languages and literatures and especially of the

[9] Knight, " The Life and Works of Hugo Grotius," 1925, pp. 150-151.

writings of Ibn Ezra, Maimonides and Abrabanel. Through Isaac Vossius he became acquainted with Menasseh ben Israel, and the two exchanged many letters. In 1638, Grotius wrote to Vossius:

> Menasseh whom I wish well is a man of great usefulness to the State and to science. . . . . His books which I know, are much read and highly thought of here.

Through this correspondence it is clear that Grotius had more than a mere superficial knowledge of Hebrew and Hebrew literature and that he was exceptionally competent to apply his Semitic learning to the interpretation of the Old Testament, frequently citing and following the Jewish exegetes.[10]

Notwithstanding the opposition of van Pauw and others, the Holland states received the *Remonstrance* favorably, although they did not adopt the recommendation for a general regulation of Jewish settlement. They preferred to leave to each one of the cities the privilege of home rule in this regard. We note that on December 12, 1619, Amsterdam resolved to permit settlement without the old ecclesiastical rule compelling the wearing of identification marks, and the cities were made free to permit or not to permit the Jews to gather in assemblies.[11]

This was probably the turning-point in the struggle of the Jews for emancipation in Holland. For, having received the right of settlement, other obstacles were gradually overcome. Amsterdam was in dire need of funds both because of financial exhaustion after the struggle with Spain, and because of the demands for capital to support the Dutch ventures in the Indies. The Jews from Portugal were plentifully supplied with treasure and they soon constituted a strong element in the fast-growing commercial life of the community. Furthermore, these Jews, mostly Marranos, had enjoyed the benefits of higher education in Spain and Portugal. They came with

[10] Knight, *supra,* pp. 254-255, referring to various of his letters.
[11] Koenen, *supra.*

noble names lent to them by patrons; and through their refined bearing, accent and manners failed to betray their outcast status.[12] Thus they rapidly acquired an enviable position in the community, which had its effect in later years.[13]

The *Remonstrance* of Grotius has been largely overlooked by historians. Grotius is not even mentioned by Graetz except as an example of a statesman of the period familiar with Hebrew learning.[14] And yet the *Remonstrance* may be truly designated one of the monuments marking the progress toward Jewish emancipation both in Holland and on the Continent generally. Curiously enough, it was Spinoza who, half a century later, took up the battle which Grotius had waged for the independence of the state from church control. Sir Frederick Pollock analyzes the doctrines of Spinoza as expounded in his *Tractatus theologico-politicus* (1670) as follows:

> He looks to an enlightened civil magistrate to deliver men from the barren clamour of anathemas almost as an Indian heretic vexed by the Brahmins may look to the secular arm of the British Government.[15]

Indeed, in this work Spinoza supports his opinion by pointing to the example of Amsterdam, the most flourishing of all the cities of the world, and yet at the head of all in toleration.

[12] Graetz, *supra,* p. 319.

[13] Max J. Kohler, in his "Jewish Rights at the Congresses of Vienna and Aix-la-Chapelle," points out that Holland was probably the first country in modern Europe to appoint Jews to high public office. As early as December, 1815, Jonas Daniel Meyer, one of the framers of the Netherlands constitution, was knighted, and Carl Asser was appointed Referendary of the first class in the Department of Justice. *Publications of the American Jewish Historical Society,* No. 26, p. 42.

[14] Graetz, *supra,* p. 349.

[15] Pollock, "Spinoza: His Life and Philosophy." 2d ed., p. 31. It is curious that Pollock mentions the appointment of the commission to consider the settlement of the Jews but fails to mention the name of Grotius as one of the commissioners. As one of the leading English jurists of our times he would doubtless have done so had he had knowledge of the fact. *Ibid.,* p. 4.

Amsterdam had indeed become the refuge of fugitives from religious persecution everywhere; and Grotius who had maintained and given direction to the principles of asylum and toleration in his pronouncement of 1615 has merited a high place in the history of the struggle for human rights.[16]

[16] Perhaps a direct influence might be traced between the principles of the party of Grotius and Spinoza through the circumstance that Spinoza, after his excommunication, lived with remonstrants. See Pollock, *supra,* p. 21.

A SUIT AT LAW INVOLVING THE FIRST JEWISH MINISTER IN CANADA.

By Benjamin G. Sack.

While it cannot be said that in the early days of Canada the Jews who had settled here at the time of the British conquest were more frequently engaged in law-suits than their fellow-citizens, yet we find that even in those days they often figured in the court annals of the country, and that not very seldom they had to appeal to the tribunals of justice and air their troubles before the sitting magistrates.

Without going into the several instances which tend to show this, I shall confine myself now to one case only, the most striking and interesting of them all. It is the suit which the first minister of the Jewish community in Montreal brought against his congregation, or rather its *parnas,* for the recovery of the salary that was due him, as can be gathered from a record of this case. Jacob Cohen, mentioned here, is no other than Rev. J. Raphael Cohen who was the first regularly ordained minister of the Montreal Jewish community, and who afterwards went to Philadelphia, where he was appointed to the Sephardic congregation Mikve Israel, to whose spiritual wants he continued to minister till his death in 1810.[1]

The following is the official record of this remarkable case which dragged on for a couple of years and was finally disposed of in 1784:[2]

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[1] *Publications of the American Jewish Historical Society,* No. 19, *passim,* and elsewhere.

[2] *Public Archives of Canada,* series Q, vol. 33-1, pp. 17-30.

(Extract of Record of the Common Pleas)
Saturday 28th September 1782.

Court of Appeal—Levy Solomons vs Jacob Cohen, No. 220 to 226.

Jacob Cohen
vs
Levy Solomons
} Present { The Honorable John Fraser & Hertel de Rouville } Esquires

Mr. Walker for the plaintiff by his Declaration having demanded the sum of Forty nine pounds Six Shillings & Seven pence present Lawful money of the Province due to him the Plaintiff, as his salary & wages for acting in the duties of Socket Hazan, Teacher & reader to the Jewish Congregation, for three years according to agreement in writing signed & sealed on the thirteenth day of February One thousand seven hundred & Seventy Eight by Hyam Myers at London acting for and on behalf of the Jews in this Province that of the said Sum abovementioned the sum of thirty pounds, sixteen shillings & three pence, was a Ballance that Remained due for the term of three years, and for officiating as Hazan or Reader at the instance of the Defend^{t} for four months, at the Rate of fifty pounds a year the Sum of Eighteen Pounds ten Shillings & four pence halfpenny became due to him, making in the whole the sum of Forty nine Pounds Six Shillings & Seven pence therefore prayed Judgment; and the Defend^{t} by Mr. Powell appeared: for plea & answer sayed that he owed nothing to the Plff And that he never undertook in manner as set forth in the Plff's declaration; And prayed to be dismissed from this action with Costs, And the Plaintiff having produced Simon Levy as a Witness in his Behalf, and the said Simon Levy being sworn to declare the Truth say'd that he was present this summer one day at the synagogue when the plaintiff came there, that he then began to officiate as Reader, and he thinks at the Instance & Request of the Defend^{t} but can't be positive that the Defend^{t} he thinks sat in the parnats seat, and the parties being heard, and all duly considered. The Court condemns the Defendant to pay to plaintiff the said sum of Forty nine pounds Six Shillings & seven pence Lawful money of the Province in Consideration of and as mentioned in Plaintiffs declaration, together with costs of suit amounting to five pounds twelve shillings & eleven pence.

Examined & compared by me
J. Burke Clk.

Quebec LS

Court of Appeals

Between Levy Solomons Appellant
and
Jacob Cohen Appellee

The Apellant saving & reserving the benefit of further reasons of appeal, & of exception in error, that may be material touching and respecting the Judgm[t] of the Court of Common Pleas made and given between the parties abovesaid and for the present doth aledge, propound & say—

That the rules orders and proceedings & also the Judgment of the said Court of Common Pleas made & given in the cause & between the parties aforesaid, are irregular, erroneous & unjust & ought in the whole to be set aside and reversed, And that the Appellant by the just judgment of this Hoñble Court, ought to be restored to all which he hath suffered & lost by means of the unjust prosecution of the Plaintiff Cohen, and of the erroneous and illegal judgment thereupon made, pronounced and decreed by the said Court of Common Pleas.

Reasons

1— That the said Plaintiff Cohen did prosecute the defend[t] Solomon to have and recover divers Sums of money, as stated in his Suit and demand, That in his the said Plantiffs declaration he set forth and stated as true divers facts and taking for granted, or supposing such those assertions to be true, concluded that in justice he ought to have and obtain by the judgment of the said Court of Common Pleas, the divers sums of money mentioned in & prayed for by the said Declaration and demand.

2— That the defendant Levy Solomon by his plea & answer denied the several facts & assertions contained in the said Plaintiffs declaration & demand & upon issue joined between the parties a hearing or tryal was prayed for, and also judgment upon the Premises.

3— That the said Court of Common Pleas did proceed to hear the merrits of the Plaintiffs demand & the said Court taking for true his said several assertions did erroneously and unjustly, and *without* evidence or proof before the said Court in the premises, decree & adjudge; That the defendant did undertake to pay & was indebted to the Plaintiff in manner as set forth in his declaration and demand. And that he the defendant should pay the same together with Costs of suit, as more appears by the said Record, Judgment & Decree. A Judgment and a Decree manifestly erroneous, illegal & unjust not supported by reason, by evidence, by fact, nor by Law. A judgment injurious and being unjust, is oppressive upon the Appellant, who here hath prosecuted his appeal, to obtain a relief in the just judgment of the Hoñble Court by a reversal of the said judgment and a decree, here to be pronounced, that may restore him in all costs and Damages, which he hath suffered & sustained by means of

a vexatious & illegal demand, & of erroneous and unjust judgment. Costs and damages, which he hath as well suffered in the original defense of the Plaintiffs suit, as from the necessity of prosecuting an appeal. And that this Court will proceed to hear all & singular the premises at a short day and do justice &c.

J. Monk for Appellant
March 17, 1783.

Quebec Ls. Court of Appeals

Levy Solomon — Appellant
and
Jacob Cohen — Appellee

The Appellee by his Counsel in answer to the reasons of Appeal filed in this cause states, that true it is a judgment was rendered in the Court of Common Pleas for the district of Montreal between the parties appealing; the Justice and equity of which will appear in the record & proceedings of the said Court.

That unfortunately for the Appellee the depositions of Samuel & Uriah Judah evidences produced & heard on the part of the Appellee, Plaintiff in the inferior Court has thro' the negligence or inattention of the Officer of the said Court been omitted in the proceedings sent down; That notwithstanding the Appellee conscious of the rectitude of his demand and the sufficiency of evidence still before the Court, relies upon their judgment which will confirm the sentence of the Court below and condemn the Appellant in all Costs &c., &c.,

J. Walker for appellee
10 Feby 1784.

Jacob Cohen Plff. } District of Montreal
vs
Levy Solomons Deft. }

We hereby certify that Messrs. Samuel and Uriah Judah were examined as Witnesses for the Plff on the trial of this cause, and from whose Testimony the cause appeared so clear that we did not attend to the taking down their evidence not foreseeing an appeal. Montreal 16 June 1783.

J. Fraser J. C. P.
Hertel de Rouville

Province of Quebec Ls.
Court of Appeals

Levy Solomons — Appellant
and
Jacob Cohen — Appellee

The Appellee by J. Walker his Attorney cometh into this Hoñble Court & for answer to the Viva-Voce exceptions offered by Appellant in order to prevent the re-examination of Messrs. Samuel & Uriah Judah whose depositions were heard and taken in the inferior Court on the part of the Appellee in this cause and which were omitted to be sent down to this Court, with the Proceedings, as stated in a certificate of the Judges of said Inferior Court, produced and filed in this Hoñble Court, saith, that the said exceptions stated by the Appellant's Counsel are not valid in law or equity, for as much the Appellee would be deprived of that justice he is entitled to from their evidence, by the neglect or omission of the officers of the said Court, and which they ought at all times be permitted to rectify— And further that the power vested in this Court by an ordinance of this Province entitled "An ordinance for establishing Courts of Civil Judicature in the province of Quebec" extends to the correction of all *errors* in the *proceedings* of the Court below, as well in fact as in Law, and the giving such judgment as the Court below *ought to have given,* which cannot be the case in this Instance if the Appellee is deprived the benefit & advantages resulting from the Testimonies of the aforesaid Samuel and Uriah Judah.

That the doctrine held up by the Appellant's Counsel would if admitted not only be injurious but dangerous, for in this instance a certain and determined disadvantage would and must necessarily ensue to the Appellee from such a deprivation of Right, but none whatever absolutely detrimental to the Appellant if any, it at all events would be scarcely termed the risque of an injury. Therefore why injure a person *essentially* for the purpose of preventing the *chance* of a *trifling inconsiderable disadvantage* to another? The Law of no country furnish so dangerous a precedent, and the equity of dispassionate candour will not admit it.

Wherefore the Appellee prays that a *Commission lagatoire* may issue from this Hoñble Court directing the Judges of the inferior Court to re-examine the said Samuel & Uriah Judah touching the premises & to transmit forthwith their proceedings therein, & that the Appellant pay the costs occasioned by this frivolous & invalid exceptions &c.

J. Walker Att^{y} for App^{t}
4 Aug. 1783.

State of Voices in giving judgment in the cause of Solomons against Cohen in the Court of Appeals.

	Confirming	Reversing
Mr. Holland		1
Mr. Baby	1	
Mr. Grant		2
Mr. Collins		3
Mr. Finlay		4
The President		5

Thursday 6th May 1784

Levy Solomons — Appellant

vs

Jacob Cohen — Appellee

The Court having examined as well the Record & proceedings as the Judgment Given in this cause & Having fully understood the Reasons of Appeal & Answers thereto and heard the Allegations of the parties by their respective Counsel, It is considered that the Judgment of the Court of Common Pleas be reversed with costs.

CHARLES L. HALLGARTEN.

By Albert M. Friedenberg, B.S., LL.B.

The lives of distinguished Jews in modern times in Western lands typify the century-old contribution of the Jew to human progress and civilization. Hence a study of such biographies is useful as enabling us to fortify, by important concrete examples, the statement of the Jewish claim to consideration and, moreover, to accept Disraeli's fine and penetrating phrase, thereby we behold life without theory. In modern times and in Western lands we often find that these distinguished Jews have departed from the path of a strict conformity to the ceremonial precepts of their ancestral religion; nevertheless they exhibit in their lives the ancient virtues—pride of race, the desire to benefit their fellow-men, a sturdy and consuming devotion to the lands of their birth or adoption—which constitute the Jew's patent of nobility, as it were, throughout the ages.

One of these distinguished Jews, a notable citizen of two worlds, was Charles L. Hallgarten, the record of whose life with special reference to its American period, it is my purpose briefly to sketch.[1] The Hallgarten family probably emanated from the little Rhenish village, locally celebrated for an excellent wine, of the same name. When the name was adopted and how ancient the family was remain undisclosed. It is probable that the members of the Hallgarten family prior to

[1] Robert Hallgarten, a relative, issued a biographical sketch in German, entitled "Charles L. Hallgarten," Frankfurt a. M., Englert & Schlosser, 1915. In ninety-two pages he succinctly and informatively sets forth the years of the philanthropist's life; liberal use has been made here of the facts carefully and painstakingly gathered. The work is embellished by a portrait of Charles L. Hallgarten, representing him in the prime of life.

the time of Charles L. Hallgarten, had resided within the confines of the neighborly Rhineland for several generations. Charles L. Hallgarten was born at Mainz, the city situated where the tributary Main River empties into the Rhine, November 18, 1838. While he was a very young lad his father quitted Germany to seek his fortune in the United States and established a banking house in New York. Because of this circumstance Charles L. Hallgarten received his primary education at the Latin School of Mannheim, an important city in the then grand-duchy of Baden, and lived there through the bombardment of the locality during the troubled year 1848. Three years later Charles L. Hallgarten joined his father in the United States, where, at first, he attended school and then entered the employment of a firm of dealers in dry-goods to acquire a knowledge of mercantile affairs and to fit himself for admission to his father's bank.

From the outset the Hallgarten banking house had been a successful enterprise. The firm was an active and important factor in the development of American railways through the financial aid it was able to render these corporations and, besides, maintained extensive connections with Germany. The latter fact permitted it to render a worthwhile service to the government of the United States during the period of the Civil War by creating a market for Federal bonds in Germany. Hardly had Charles L. Hallgarten attained his majority when he became a partner in the paternal bank.

It should not be assumed, however, that Charles L. Hallgarten's American activities were exclusively confined to the realm of finance. On the contrary, with him the principle, rank implies obligation, was a vital part of his moral fibre. He possessed a distinct inclination for cultural studies and excelled as a lover of nature. His studious bent manifested itself in his diligent interest in American, English and German literature, his occasional poems and lectures before the Baconian Literary Association of Hoboken, N. J., and the

then infant Harmonie Club of New York, and in his extensive acquaintance with the works of Shakespeare. One of the subjects which engaged his attention as a lecturer was the famous Mortara case, involving an Italian Jewish child who had been forcibly abducted from his parents and compelled to embrace Catholicism.

Charles L. Hallgarten was active in his opposition to the cause represented by slavery and secession but a crippled arm defeated his purpose of aiding the Union as a soldier in its armies. So, he served the Federals by his work as a banker, already mentioned, and by his unquenchable belief in the ultimate triumph and the justice of their cause. In New York, August 17, 1864, during the darkness which preceded the dawn of the close of the Civil War, he married his cousin, Elise Mainzer, and three of the four children of this union were born on American soil.

Philanthropic work always engaged the careful thought and earnest attention of Charles L. Hallgarten. While residing in New York he was active in the support of the Jewish communal institutions and served as a trustee of the Hebrew Orphan Asylum during 1874 and 1875.

Never very robust he fell a victim of the white scourge, to recover from the effects of which he found it necessary to give up his residence in New York and to return to the land of his birth. In 1875, therefore, Charles L. Hallgarten left the United States and, after traveling to regain his health, settled at Frankfort-on-the-Main, which remained his residence until the end of his days. He never surrendered his citizenship of the United States, always remained a partner, although an inactive one, of the Hallgarten bank in New York, and only paid occasional and in later years very infrequent visits to America. These trips were motivated by the calls of his business here.

The Frankfort period in the life of Charles L. Hallgarten was devoted almost entirely to the calls of benevolence and

public service, for he had withdrawn from active commercial labor and was glad to render aid understandingly to his fellowmen. A mere catalogue of his activities in this field must suffice.

He supported Gottlieb Schnapper-Arndt in the establishment of the Boerne Foundation. His work in the Society for the Dissemination of Knowledge of Jewish Art was notable. Likewise was his record in the Israelitic Aid Association and in the Federation of Jewish Philanthropies. He was the first president of the Gumpertz Home for the Aged, active and interested in the labors of the Frankfurt Lodge of the Independent Order of B'nai B'rith, as well as of those of the noted *Hilfsverein der deutschen Juden,* the *Alliance Israélite Universelle,* and the Jewish Colonisation Association (ICA).

Of the ICA Charles L. Hallgarten was one of the principal directors and governing spirits, and his frequent trips to Paris in its interest deserve to be recalled. As such he took an abiding interest in the condition of the unfortunate and persecuted Jews of Roumania and sought by every means at his command to relieve them of the incidence of their anti-Semitic burden. Indeed, he was violently condemnatory of anti-Semitism, whenever this gruesome spectre raised its poisoned head, and with Gneist the jurist and the philanthropic non-Jew Rickert, established the great German *Verein zur Abwehr des Antisemitismus.*

Elise Mainzer Hallgarten died in 1895 and Charles L. Hallgarten joined her in the life beyond the grave thirteen years subsequently. He passed away at his home in Frankfort, April 19, 1908.

The claim is advanced for Charles L. Hallgarten that he was both a good Jew and a good American, and, it must be added, with a considerable show of right. A good American he certainly was in that he understood and properly discharged the duties of citizenship in their every phase and remained

an American even though compelled for reasons of health to live outside of the territorial limits of the United States.

That Charles L. Hallgarten was a good Jew is a statement which requires a measure of elaboration. He did not practice with scrupulous or, indeed, with any, fidelity the ceremonial requirements of Judaism. He was inclined to chafe under the blows that dogmatic faith administers to the free of spirit. Under any construction of the term he could not be looked upon as orthodox in his religious life. And yet, he was a good Jew, and in some respects even, a great Jew. He was of that religion which all good men and true in every age and in all climes confess: the Arbiter of life and death rules our destinies; to do good for and by His creatures everywhere is pleasing in His sight. On this basis of natural religion Charles L. Hallgarten set up a keen and unimpaired superstructure of his Judaism, the religion of his fathers, the race and faith of his birth. Thus he ever acknowledged and took deep pride in his fellowship of the House of Israel, a community which, since its members were and are human beings, ought never be condemned unjustly or persecuted wantonly by their fellows of other races or faiths. Holding these views and acknowledging these to be his motivating inspirations for his life as American and as Jew it is no wonder that Charles L. Hallgarten lived and died a lover of his fellow-men.

That Charles L. Hallgarten was a distinguished Jew the foregoing record amply attests. That living in Western lands and in modern times his Jewish consciousness found its expression in the manner briefly herein set forth is equally in keeping with the facts. All in all, Charles L. Hallgarten deserves remembrance by his fellow-Jews, for his record of philanthropic service and for his wish to end the tribulation of the children of men whereby one man's hand shall not be lifted against the other's.

CHARLES H. LAUCHHEIMER.

By Rabbi William Rosenau, Ph. D.

Jews have always rendered military service to the country of their birth or that of their adoption. In fact it can be declared without fear of contradiction that such service has usually been larger than the proportion represented by them numerically in the general population should lead one to expect. In the Navy as well as in the Army of the United States, ever since the days of Uriah Phillips Levy (1792-1862), Jews have been more or less prominent.[1] In the World War we learn from statistical records that, among the 114,000 Jewish soldiers properly classified, out of a total ranging from 2,000,000 to 2,500,000 in the service of the United States, 13,500 are credited to the Navy and 2,200 to the Marine Corps.[2]

In this study, attention will be directed to the Jewish representation among the marines, and more particularly to the life and service of the late Charles Henry Lauchheimer, brigadier general of the United States Marine Corps.

Charles Henry Lauchheimer, the sixth of twelve children of Meyer Henry Lauchheimer and Babbette Eichberg, both natives of Germany, was born at Baltimore, Md., September 22, 1859. His early education was obtained in his native city and his secondary training at the Baltimore City College. Upon a successful competitive examination, he was appointed a cadet—midshipman at the Naval Academy, September 11, 1877, and was graduated from the institution in 1881. Later, while stationed in Washington, Lauchheimer pursued special studies at the Columbian University and was in 1894 awarded by it the degree of Bachelor of Law.

[1] The Jewish Encyclopedia, vol. viii, pp. 64-65; vol. xiii, pp. 363-364.
[2] *The American Jewish Year Book*, vol. xxi, pp. 142-144.

His career in the Navy spells most valuable service and well deserved steady promotion. On the basis of the account the *Army and Navy Register* contains, the following facts should be noted: After a two-year tour of duty at sea from 1881-1883, Lauchheimer was, July 1, 1883, commissioned a second lieutenant in the Marine Corps. In January, 1884, he began and in 1887 completed a three-year tour on the U. S. S. *Ossipee.* Then he successively served at the marine barracks, Washington, at the naval torpedo station, Newport, R. I., and the marine barracks, Norfolk, Va. In June, 1890, he was again sent to sea in command of the guard of the U. S. S. *Enterprise.* In 1892 he was assigned to duty in the office of the judge advocate general of the navy, and continued in this duty until 1899, when he was made assistant adjutant and inspector of the Marine Corps and assigned to marine headquarters in charge of rifle practice. In January, 1904, he was ordered to the Philippines. Upon his return in the following year he was appointed adjutant and inspector of the Marine Corps with residence in Washington. In 1910 he was again ordered to the Philippines, and in November, 1911, was stationed in San Francisco, Cal. He was ordered back to Washington in October, 1912, where he remained on duty for the remainder of his military career.

Lauchheimer's rise in rank is as follows:

January 8, 1890, lieutenant.
August 10, 1898, captain.
March 3, 1899, major.
March 3, 1903, lieutenant colonel.
December 15, 1904, colonel.
August 29, 1916, brigadier general.

The *Army and Navy Register*[3] states that

General Lauchheimer's service in the Marine Corps has been one of marked distinction and ability. . . . . He was universally recognized as one of the most brilliant officers in the service. . . . . His services in the Marine Corps have been of the utmost value, and his death is a marked loss.

[3] January 17, 1920, p. 88.

Especially during bellum and post-bellum days Lauchheimer rendered the government exceptional service. His untiring and unselfish performance of duty, which constituted one of the finest types of patriotism, may be regarded the main cause of his ultimate breakdown. He had been on a strenuous tour of inspection throughout the west in the spring of 1919. When he returned to Washington in July of that year, he suffered a stroke of paralysis. He never completely regained his health, despite the excellent medical care given him during his illness by the government at the navy hospital. On January 14, 1920, after another stroke, Lauchheimer passed to the great beyond. With inspiring military honors in which officers. privates of the Marine Corps and a host of other persons of the Navy Department participated, despite the almost impassable roads, because of snow, Lauchheimer's remains were laid to rest in the National Cemetery at Arlington, D. C., while the Jewish burial service was recited.

Lauchheimer's life was not only that of a soldier, but also that of an author. His literary productions were: "Naval Courts and Naval Laws" (1896); "Forms of Procedure for Courts and Boards" (1896, revised and enlarged 1902), for many years the standard reference work for the naval service.

Interesting is the specification of some of the many courts in which he was judge advocate: The trial of Commander James D. Graham, U. S. N., 1892 (record No. 7451); the trial of Passed Assistant Paymaster Harry R. Sullivan, U. S. N., 1892 (record No. 7484); the trial of Medical Inspector Edward Kershner, U. S. N., 1895 (record No. 7913).

Nor would a record of General Lauchheimer's many-sided and valuable service be complete without referring to the fact that many bills for the army and navy were drafted not only in his office but by him.

Although Lauchheimer attained prominence in public life, he was not any less loyal to the faith of his fathers. He never forgot the finer Jewish influences exerted on him by way of

precept and practice in his parental Jewish home. While residing in Washington and attending divine services frequently at the local synagogue, he never gave up his membership in the Baltimore congregation. As a matter of fact, his Jewish origin and profession never did him any social harm at home or abroad. His merit as a gentleman, jurist and soldier was too great to be ignored. In Manila, Philippine Island, he was in 1911 president of the Army and Navy Club, and in Washington he was president of the Army and Navy Club during 1914.

AARON AARONSOHN, AGRICULTURAL EXPLORER.

By Gabriel Davidson, LL. M.,
and
Max J. Kohler, A. M., LL. B., D. H. L.[1]

As wheat cut down too soon,
He is cut down;
But we, his people reap forevermore
the harvest of his planting.

With this very fitting verse, Jessie E. Sampter concluded her touching poem eulogizing Aaron Aaronsohn after his tragic death. In the short span of his life Aaronsohn won himself everlasting fame as a scientist, a man who combined "scientific spirit and training with practical outlook and performance." Cut down ere he had yet attained his prime, Aaronsohn still lived long enough to gain for himself a reputation as an agricultural explorer that broke all national bounds and made him as well known in agricultural circles in the United States and Europe as in his own beloved Palestine.

Aaronsohn was in his sixth year when in 1881 his parents moved from Roumania to Palestine, drawn thither by the same irresistible impulse to help rebuild the Holy Land with which their son was later to become so deeply imbued. Here they joined other Jewish pioneers in founding the little village of Zichron Jacob. Palestine was then in a primitive stage, little advanced beyond the Palestine of Biblical times. In an address delivered at the City Club of Chicago on March 6, 1913, and published in the Club's bulletin[2] Aaronsohn described the country as it was in his childhood days. The native farmers still used the same type of plow that was in vogue 2000 and

[1] Mr. Kohler suggested the subject of this paper and supplied a number of references.

[2] Vol. vi, No. 9.

3000 years ago, plows of the same pattern as those engraved on Egyptian monuments. But few of the natives had any conception of a wagon or carriage and did not know that a horse could be used to draw a wagon or a plow. Indeed, the Arabs resented such employment of the horse, regarding it as having been destined solely for saddle purposes. Bread as it is made in Western countries was little known. The mass of people ate bread made of sorghum, a seed which in America is used to feed chickens and hogs. Aaronsohn's early life was that of the son of a typical Palestinian colonist of those days. He was yet a boy, just past *Bar Mitzvah,* when his labors in the interest of a better Palestine began. He was selected to travel among the farmers of the Rothschild colonies, to check up the number of laborers employed and the wages paid, and to transmit instructions to the colonists. At this he was engaged for about a year and a half, travelling from colony to colony on horseback. His power of observation enabled him to gather a fund of information which he later put to much valuable use in his agricultural explorations. The ability that he exhibited attracted the attention of Baron Edmond de Rothschild who destined him for the calling in which he later distinguished himself. The Baron sent young Aaronsohn to Grignon, France, to study agriculture and other kindred sciences. After two years the young man returned to Palestine, and started the career that proved the prescience of the Baron. He went to work as agricultural specialist at Metula, a new colony in the largest cereal producing region of Palestine. Differences of opinion with the administration led to his resignation in less than a year, and Aaronsohn went to Magnesia, near Smyrna, to work on a large wheat farm belonging to Cousinery Brothers under the direction of his former chief, Ben Danon, an Algerian Jew.

In 1900 Aaronsohn embarked upon a venture which seems somewhat foreign to a man of his tendencies. In partnership with a non-Jewish German resident of Haifa he formed an agricultural implement concern. But he did it in his charac-

teristic fashion. To learn everything possible pertaining to his new business he spent six months at the International Exhibition which was then being held in Paris, studying the agricultural exhibits of different countries and familiarizing himself with the various types of agricultural machinery. The thoroughness with which he applied himself to this venture was typical. But even as a merchant Aaronsohn could not entirely divest himself of his idealism. His aim was not solely to make money, but to improve the country through the introduction of modern machinery and agricultural implements. It was he who made the energy-conserving, labor-saving McCormick reaper and binder, the German rudsack plow and other modern agricultural implements, familiar sights on the fields of Palestine. To make available a source of information on all agricultural and engineering problems Aaronsohn joined Dr. S. Soskin, the noted scientist, and I. Treidel, the well-known civil engineer, in establishing *das technische und landwirtschaftliche Büro für Palästina.*

His business activity brought him into even closer touch with agricultural conditions and gave him the opportunity to continue his observations and to add constantly to his storehouse of information. Yet he could not remain long in business. The year 1902 found him in Germany, again engaged in study and research. He attended the Universities of Berlin, Munich and Bonn, seeking the association of the greatest authorities on the particular subjects in which he was interested. There he became acquainted with Schweinfurth, the renowned African explorer, and with such scientists as Asherson and Otto Warburg.

A problem then engaging the attention of these scientists was the identification of the progenitor of wheat, that species of grain with which our civilization is bound up, and of the cultivation of which men have the oldest record. The subject had theretofore received only theoretical consideration. Recognizing the profundity of Aaronsohn's knowledge, impressed by his boundless energy and by his love for scientific research,

knowing also his rare opportunity for agricultural observation in an almost unexplored country, these scholars encouraged him to undertake investigations with a view to discover the prototype of our modern wheat. Thus upon his return to Palestine Aaronsohn determined to maintain a sharp lookout for this primitive cereal. In June, 1904, while preparing the geognastic map of the region around upper Galilee, he went as far as the foot of Mt. Hermon, but his search was fruitless. This may have been due, as he himself admitted, to the fact that he had so little hope of finding wild wheat that he was not very persistent in his quest. But when he visited Berlin again in the summer of 1905, this subject was once more broached by Schweinfurth and Asherson, and Aaronsohn decided to take up the investigation anew upon his return to Palestine.

In June, 1906, he resumed his explorations, determined that if original wheat existed in Palestine he would be its discoverer. He embarked on a long trip to upper Galilee and, on the slopes of Mt. Hermon, where he had been two years earlier, he reaped the reward of his painstaking search. His account of the discovery, taken from the bulletin [3] written by Aaronsohn for the United States Department of Agriculture, is so interesting that it is reproduced here in his own words.

> On June 18th I was walking with my friend, the agronomist, Mr. M. Bermann, in the vineyard of the Jewish Agricultural Colony at Rosh Pinnah, at the foot of Jebel Safed. . . . . Suddenly I noticed in a crevice of a rock of numulitic limestone an isolated plant which at first sight looked like a stool of barley, but which on closer inspection proved to be wheat, the ripe spikelets of which could be detached by the slightest shake. I could hardly believe that it was really the plant for which I was looking. The development of the head and grains was so perfect—so nearly like the forms produced under cultivation at the present day—that I could scarcely believe that this was their wild prototype, though to be sure, if it had not been so well developed, primitive man would not have noticed it, or at least would not have appreciated the importance of its cultivation to such an extent as he did.

[3] No. 180, Bureau of Plant Industry.

I could not at that time remain longer in Rosh Pinnah, and so left the next day for the north. On the way from Rosh Pinnah to Rasheyya (three days on horseback) I looked for wild wheat, but could not find any. At Rasheyya, too, I spent a great deal of time botanizing in the vineyards in the hope of finding the Triticum (wheat) there, but also without success. But when I began to extend my search to uncultivated lands, along the edges of roads and in the crevices of rocks, I found a few stools of the wild Triticum. Later I came across it in great abundance, and the most astonishing thing about it was the large number of forms it displayed.[4]

Aaronsohn's trip in 1906 established merely the native habitat of wild wheat. A closer investigation was necessary for further study. Accordingly, he undertook another journey the following year when he established the fact that this wheat is indigenous to the regions of Mt. Hermon, in the northern part of the Trans-Jordanea, and that it is not a plant escaped from cultivation.[5]

The articles on Aaronsohn's explorations and discovery came to the notice of the Office of Foreign Seed and Plant Introduction of the United States Department of Agriculture, which was then engaged in investigating drouth resistant wheats, and had sent an agricultural explorer to Russia for study along these lines. David Fairchild, the head of the Office, at once perceived the importance of the new discovery and entered upon a correspondence with Aaronsohn, which resulted in his coming to America in June, 1909. Upon his arrival, he went direct to Washington and soon became a familiar figure in the agricultural circles of our national capital.

[4] Aaronsohn dispatched the good tidings to his friends in Berlin and Professor Schweinfurth published the news in *Altneuland; Monatsschrift für die wirtschaftliche Erschliessung Palästinas,* July-August, 1906. He also wrote an account for *Vossische Zeitung,* September 21, 1906, and for *Annâles du Service des Antiquitès de l' Égypte,* 1906.

[5] The results of these investigations were published by Prof. Schweinfurth in the *Berichte der Deutschen Botanischen Gesellschaft,* vol. xxvi, 1908.

Upon the request of B. T. Galloway, Chief of the Bureau of Plant Industry of the United States Department of Agriculture, Aaronsohn prepared a bulletin entitled "Agricultural and Botanical Explorations in Palestine." In this the author drew a parallel between California and Palestine, showing the similarity in topography, climate and general agricultural conditions between the two countries. This similarity, he concluded, should open up an avenue of increasing the number and variety of economically valuable plants in the United States. The bulletin contained a description of a large number of useful plants that Aaronsohn found thriving in arid parts of Palestine and which he believed worthy of introduction into this country. It also embodied the results of Aaronsohn's explorations leading up to his significant discovery of wild wheat.[6]

Aaronsohn's close relationship with the United States Department of Agriculture resulted in his being made a technical advisor to the Office of Foreign Seed and Plant Introduction and a collaborator to the Department at a salary of $1 a year, which was paid him in quarterly installments for years. Under these auspices he later made a trip up the Nile to study the vegetation of that region. Some of the plants that he sent from there to the United States are now grown in the Salt River Valley. Sultanay, the most important, is a noted date variety of lower Egypt. His studies constituted a useful contribution to the date palm industry in America and demonstrated that, besides being a botanist, he was also an entomologist of no

[6] The discovery seemed of such importance to the experts in the Department that its chief bionomist, A. F. Cook, while on an investigating trip in Egypt the following summer, spent two full months with Aaronsohn in Palestine in the further study of the subject. The results of his observations were published in 1913 in the form of a bulletin of the Bureau of Plant Industry (No. 274). In this publication Cook confirmed in a general way Aaronsohn's findings. He expressed his belief that the wheat he saw growing wild in various parts of Palestine, notably on the slopes of Mt. Hermon, which he called *Triticum Hermini,* was unmistakably a wild variety.

mean calibre. Unfortunately, the outbreak of the war prevented the carrying into practice of many of Aaronsohn's theories. Otherwise, authorities believe, his explorations would have resulted in the introduction into the United States of hundreds of new species and varieties of plants.[7]

Through these associations Aaronsohn's work came to the notice of a number of prominent Jews and an opportunity was thus presented to him to give form to an idea that seems to have been conceived at the Zionist Congress at Basle in 1903. At that Congress a plan to establish an agricultural research institute in Palestine had been discussed, but the only tangible step taken was to commission Aaronsohn to carry on further agricultural investigations.

When Aaronsohn laid the matter before the Jewish philanthropists they decided to give concrete expression to the plan which had so long lain dormant. In February, 1910, the Jewish Agricultural Experiment Station was chartered under the laws of the State of New York, with Julius Rosenwald, president, Morris Loeb, vice-president, Paul M. Warburg, treasurer, and Henrietta Szold, secretary, and Julian W. Mack, Jacob H. Schiff, Cyrus Adler, Louis Marshall, and Judah L. Magnes, as the other incorporators. The certificate of incorporation also included Samuel S. Fels, Henry Goldman, Joseph B. Greenhut, Daniel Guggenheim, Adolph Lewisohn, Isaac N. Seligman, Isidor Straus, and S. Soskin and Otto Warburg, of Berlin, as members. Nathan Straus, Milton J. Rosenau, and Samson Lachman also became interested in it.

The objects of the corporation, to quote from its by-laws:

> are the establishment, maintenance and support of agricultural experiment stations in Palestine and other countries; the development and improvement of cereals, fruits and vegetables indigenous to Palestine and neighboring lands, the production of new species therefrom and their distribution elsewhere; the advancement of agricul-

[7] Had it not been for this interruption and his early demise, Aaronsohn's experimentation in cross-fertilization might have established a commercial value to his primitive wheat. The opportunity remains for someone else to carry his work to fruition.

ture throughout the world, and the giving of instruction in new and improved methods of farming.

While the objects gave a wide latitude to the activities of the station, the primary purpose of the founders was to enable Aaronsohn to experiment with wild wheat in the hope that he might succeed in developing a commercial wheat possessing all the virtues of the wild wheat and none of the defects of our modern wheat.[8]

The establishment of this experiment station was the realization of Aaronsohn's long-cherished dream to make the Jew the disseminator of light and knowledge through his own institution of learning instead of remaining the beneficiary of the learning offered in the halls of knowledge of other peoples. The station was modelled along American lines and experts of the Department of Agriculture, notably Fairchild, Cook and Swingle, were materially helpful in bringing the project to fruition.

The experiment station was located at Athlit, at the foot of Mt. Carmel, half-way between Zichron Jacob and Haifa. Aaronsohn selected a spot which was, to quote his own words, "renowned all the country over for its sterility." In an address on the subject he explained the reason for his selection:

we supposed that if we succeeded in demonstrating that by purely rational handling of the soil, without any chemical fertilizer or any barn manure, just by improvements of the physical conditions of the soil; if we succeeded with soils that were cultivated four thousand or six thousand years continually without the addition of any manure or any chemical fertilizer; if we succeeded in demonstrating the advisability of new rational methods of handling the soil, this would be a demonstration not only for Palestine but for other countries where agriculture has been practiced for a much less time.

The striking success of his methods is attested by the results of the experiments conducted at the station. In the address from which we have already quoted, Aaronsohn said:

[8] The by-laws provided further that "the activities of the corporation shall be conducted exclusively on a scientific and educational basis, without religious, national or political tendency of any kind."

We succeeded in producing on our demonstration fields six and one-half times as much wheat as on the fields of our neighbors; fourteen times as much barley, and twenty-three and one-half times as much oats. So you see, without going to the expense of introducing medicine, the effect of which may be very dangerous to the soil, in using the same implements our neighbors used, by expending on the soil the same efforts our neighbors expended, we succeeded in improving its productivity to that extent.

The activities of the experiment station were wide and varied, comprising, among other things, studies in the hybridization of wild cereals, especially of wild wheat; the introduction of new species of plants from other countries; reafforestation; studies in fruit culture; methods of locust control, etc. On a small patch of land Aaronsohn raised 260 different varieties of grapes. He was responsible for the introduction of the Washingtonia date palm into Palestine. He brought to the experiment station the famous Kellerman collection of fungi donated by Julius Rosenwald, and built up a library containing 27,000 books, pamphlets and government bulletins. A sub-station was established at Hederah chiefly for fruit culture. Aaronsohn set up a small laboratory, attached to the station, for the study of malaria. Out of this developed the health bureau established by Nathan Straus, who was for years a generous patron of Aaronsohn's activities and in whose house in New York Aaronsohn lived for over a year. The health bureau was later severed from the station, and removed to Jerusalem.

The program of the experiment station included the publication of bulletins. So intense was Aaronsohn's desire to make the ancient language a living tongue that these bulletins, though dealing with technical subjects, were printed in Hebrew (with summaries in English and French). For a time Aaronsohn also published a monthly information sheet for farmers and delivered a course of lectures on agriculture to Jewish school teachers. Aaronsohn's vision did not stop with the mere physical regeneration of Palestine. He saw in the experiment station a wonderful means to rear a class of scien-

tists, recruited from the Jewish youth of his ancestral land. He had a magical attraction for young men and "raised many disciples." Had he imported scientists from other lands his task would have been much easier and the situation might have made more rapid advancement. But Aaronsohn's purpose would not have been fully served. He preferred to work without adequate scientific aid, if, in the process, there could be developed a trained body of Palestinian youth, who, in their turn, would devote their thoughts and energies to Palestine's agricultural restoration.

For a number of Palestinian youths Aaronsohn secured scholarships, particularly through the munificence of Julius Rosenwald. Some of these young men are now working in Palestine under the auspices of the Jewish Colonization Association and the Zionist Organization, devoting their talents to the carrying on of the work begun by their master.

In 1913 Aaronsohn came to the United States to report on the progress of the work at the station and to solicit additional funds. While here he reported to the United States Department of Agriculture and laid his plans for closer coöperation between his station and the department. He also delivered lectures before civic and scientific bodies. Aaronsohn was privileged to render service not only to our Department of Agriculture but also to our Department of Interior. In 1912 and 1913 severe floods had devastated the valleys of the Ohio and Mississippi, rendering tens of thousands of people homeless and causing a large loss of life and untold damage to property. Because of the conspicuous aid he had given in abating the floods of the Nile, he was called into consultation by Secretary Lane and spent much time in advising with the department as to the methods to be employed to prevent the recurrence of these destructive inundations.

Another of Aaronsohn's activities deserves mention. From his student days at Grignon, Aaronsohn had developed a keen interest in geological research, and while engaged on agricultural explorations he studied and charted the geological

information of Palestine. In 1905 the famous geologist, Blankenhorn, was commissioned by the Sultan of Turkey to make explorations of the basin of the Dead Sea. Aaronsohn accompanied him as agricultural expert. There he began the preparation of a geological map of the country, which, during the course of his later explorations, he kept adding to and improving. Crossing and recrossing the country, as he did, knowing almost every square foot of Palestinian soil, Aaronsohn had perfected his map to that degree that no other map approached it in scientific accuracy.

While in the midst of these humanitarian labors Aaronsohn became engulfed in a maze of problems growing out of the World War. Unfortunately for him and for the world he found himself torn from peaceful pursuits and thrown into the maelstrom of the titanic conflict. This phase of his life is outside the scope of the present paper, the aim of which is to deal solely with Aaronsohn's achievements in the fields of science and agriculture.

There is an incident, however, that interests us because it had a direct relation to our subject. Soon after the outbreak of the war the country was menaced by a ravaging locust infestation such as had not visited Palestine for forty years. Djemal Pasha drafted Aaronsohn as the one man who might avert the threatened calamity. Aaronsohn worked out a scientific campaign. He put thousands of Arab soldiers to work digging trenches into which the hatching locusts were driven and destroyed. The inhabitants of the progressive Jewish villages, men, women and children, worked until they dropped from exhaustion. But the fight to put the vast army of locusts to rout was hopeless. Lack of petroleum, galvanized iron and other ammunition, coupled with the fatalism and laziness of the Arabs, made a determined stand against this winged enemy impossible. Yet Aaronsohn succeeded in staving off the devouring scourge for two full months, proving himself a skilled organizer and exhibiting again a marked knowledge of entomological science.

On May 15, 1919, the tragedy occurred which robbed his people and the world of this outstanding figure. Aaronsohn had certain data in London which he needed in Paris. He made the trip by aeroplane. While the plane was over Boulogne harbor and the fateful journey almost ended, it crashed into the harbor and Aaronsohn and his pilot were plunged into the deep from which their bodies were never recovered.

It is too soon after his passing to view this striking character in proper perspective. Time will place him where his achievements entitle him. Endowed with tremendous physical prowess, blessed with extraordinary mental vigor, he made his bodily and intellectual powers serve his one great ideal, the ideal so simply expressed by Henrietta Szold: "The Jewish people, the Jewish land. Bring the two together." It is said that his strength was such that, crouching underneath his horse, he could lift the animal from the ground. While on his peregrinations he would go for days at a stretch with but a few hours of sleep in the open and with barely any food, a cake of chocolate oft times constituting his day's rations. So immersed was he in his scientific observations that he was wont to walk for hours behind his faithful steed with his eyes riveted on the ground so that nothing should escape his trained observing eye.

"A brilliant intellectual light." "An intellect characterized by fearless originality." "One of those rare pioneering minds which quickly leaps to the essentials." "A real agricultural explorer, a true expert," these tributes by David Fairchild sum up Aaronsohn's mental endowments. His range of knowledge was encyclopedic. His facility at the acquisition of foreign tongues was enviable. He had not been in America more than six months before he had mastered English, of which he previously had only a reading knowledge, so thoroughly that he was able to address a dry farming congress, a forester's meeting and a special meeting of botanists.[9]

[9] His address before the dry farming congress was published in its bulletin, vol. i, No. 1.

Aaronsohn kept a careful diary and took copious notes of all his observations, but never heeded the suggestions of his friends to give the world a complete account of his manifold labors. He was too busy. He preferred to leave that for the time when his active service would be over. Alas, that time never came.

A dynamic personality, he found favor in the eyes of some of the world's greatest men, counting Theodore Roosevelt among his friends. It is related that Roosevelt listened spellbound for a full hour to Aaronsohn's account of his explorations and of their relation to American agriculture, one of the rare occasions, it was remarked at that time, that Roosevelt listened to anyone so long without interruption. So profoundly impressed was Justice Brandeis at his first meeting with this gifted young man that he spoke of him at a public gathering as "one of the most interesting, brilliant and remarkable men that I have ever met."

In the pursuit of his great ideal, Aaronsohn made himself the possessor of more information about Palestine than any man of his day. He strove to show the world that out of Zion came not only the law but the bread, not merely spiritual sustenance but also physical nourishment. The discovery of wild wheat was in his eyes enobled by the thought that it was made by a Jewish scientist in Jewish Palestine.

Aaron Aaronsohn had two visions, in the words of Henrietta Szold's poetic eulogy, "the scientific vision and the Jewish vision." A pity, a thousand pities, that he was not destined to continue his labors for their realization! What would this divinely endowed genius not have accomplished had not an inscrutable Providence taken him away at the very bloom of life? "Aaronsohn saw both his promised lands only from afar—and no one knows the place of his sepulchre." [10]

[10] Acknowledgment is made of the very valuable assistance rendered by Benjamin Stone, extension director of the Jewish Agricultural Society, in gathering data for this article; also to Captain Alexander Aaronsohn, Aaron's brother; Miss Henrietta Szold; Dr. Arthur Ruppin; Herman Gold, a Palestinian agronomist, and others familiar with Aaronsohn's work, for furnishing unpublished material.

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SAM DREBEN, D.S.C.

(Portrait, July 10, 1919, El Paso, Texas.)

THE FIGHTING JEW.

By Rabbi Martin Zielonka.

The military record of Sam Dreben as reported in letters from the Adjutant General's Office, April 2 and 21, 1925, is as follows:

The records show that Sam Dreben enlisted June 27, 1899 at Philadelphia, Penn. (1st enl.) for three years: was assigned to Co. G., 14th U. S. Infantry: was transferred to Co. I, 10th U. S. Infantry, June 23, 1901 and to the casual detachment, 10th U. S. Infantry, May 7, 1902, and was honorably discharged July 25, 1902 at Angel Island, California, by reason of the expiration of his term of service, a private with good character.

He again enlisted July 26, 1904 at San Francisco, California, was assigned to Co. A, 29th U. S. Infantry: transferred to Co. B, 29th U. S. Infantry, January 30, 1907, and was honorably discharged July 15, 1907 at Ft. Douglas, Utah, under the provisions of General Order No. 207 War Department 1906, for the convenience of the Government, a private with character very good.

The above named soldier was born in Poltroe, Russia, June 1, 1878. Nothing has been found of record as to the time of his arrival in the United States.

Robert C. Davis
Major General
The Adjutant General.

The records of this office show that Sam Dreben, Army Serial No. 1,400,481, enlisted February 12, 1918 at Ft. Bliss, Texas, giving his residence as 2416 Montana St., El Paso, Texas: and his emergency addressee as Mrs. Helen Dreben (wife) 2416 Montana St., El Paso, Texas: was assigned to Co. A, 141st Infantry, Camp Bowie, Texas: left the United States for foreign service July 26, 1918: was awarded the Distinguished Service Cross for extraordinary heroism in action near St. Étienne, France, October 8, 1918: was returned to the United States April 14, 1918 and was honorably discharged from the service April 19, 1919 at Mitchel Field, L. I., New York, a 1st sergeant, Co. A, 141st Infantry.

The citation reads as follows: Sam Dreben, 1st sergeant, Co. A, 141st Infantry. For extraordinary heroism in action near St. Étienne, France, October 8, 1918. He discovered a party of German troops going to the support of a machine-gun nest situated in a pocket near where the French and American lines joined. He called for volunteers, and with the aid of about thirty men, rushed the German positions, captured four machine guns, killed more than forty of the enemy, captured two and returned to our lines without the loss of a man. Residence at enlistment: 2416 Montana St, El Paso, Texas.

LUTZ WAHL,
Brigadier General
Acting Adjutant General.

This is the official record. I shall try to fill in some of the details.

Sam Dreben was born in Russia, came to the United States, probably at the age of 21, after a short residence in England, and died at Los Angeles, California, March 16, 1925, at the age of forty-seven.

Sam Dreben was "a short, dark, chunky, almost podgy man of self-effacing manner." No one on meeting him would have recognized in him a man of extraordinary courage and one of the outstanding heroes of the World War. Major R. F. Burges says of him:

The great manly virtues of undaunted courage, unimpeachable honesty and unlimited loyalty were the outstanding qualities of his character. Patriotism to Sam Dreben was not an idle phrase but a deep and abiding devotion to the country of his adoption.

Major Burges knew him as a citizen of El Paso, Texas, and was his direct superior officer in the war. Damon Runyan, who knew him as a soldier of fortune says of him:

Sam Dreben was the bravest, the gentlest, the courtliest man I ever knew. If I were asked to write his epitaph, I would put it in a few words, I would simply grave in the granite shaft above his clay, Sam Dreben, all man.

With the 14th U. S. Infantry under General Lawton he went to the Philippines. Next he saw service in the Boxer Revolution in China. He saw service in Nicaragua in 1910. He first

met Tracey Richardson while in the field under General Gabe Conrad and here he first was known as "the fighting Jew." Before the fighting was over he was a *coronel.* From this time on he and Tracey Richardson were "buddies" as soldiers of fortune. In 1911 he was a colonel in the Bonilla revolution in Honduras under General Lee Christmas.

He was in New Orleans with Tracey Richardson, plotting to return Castro as president of Venezuela, when he heard of the Mexican revolution and that the leader of it, Madero, was a man of great wealth. He, therefore, came to El Paso, went across the river to talk with Generals Inez Salazar and Emiliano Campa and, before the close of that interview, he had been appointed a colonel in the new Mexican army at a salary of five hundred dollars gold a month. This revolution later was known as the Orozco revolution because Orozco, governor of the state of Chihuahua, Mexico, joined and led the same. From this time on, he was on one or the other side of the various Mexican revolutions. He was later a federal spy and General Salazar said he would be forced to kill him if he met him again.

He was with Pancho Villa for awhile but had retired to civil life in El Paso when Villa raided the American garrison at Columbus, New Mexico, March 10, 1916. Then,

> in spite of the friendship between Dreben and Villa, Dreben joined General Pershing's expedition as a scout when the punitive expedition crossed at Columbus New Mexico. Sam was an American, and alien friendships were not strong enough to overcome his allegiance to his adopted flag.

After this expedition he returned to El Paso, Texas, and engaged in various efforts to make a living. When the World War broke out he felt that he had had enough fighting and was willing to let the younger men carry on. He had recently married. He was expecting an heir. But when the baby girl came and died within a short time, he felt that all joy had been taken from his life. When a special company was re-

cruited in El Paso, in which many of his friends enlisted, he joined. How well he did his part is noted in the citation for bravery that gave him the Distinguished Service Cross of the United States; *Medaille Militaire* and *Croix de Guerre,* with palms, of France, and decorations of Italy and Belgium.

At one time he said that he would do no more fighting in Mexico,

because there was no Jewish cemetery in Mexico and he did not care to start one.

Norman Walker, a newspaper man who knew him well, said:

Sam's two most cherished possessions were his Jewish ancestry and his American citizenship.

And this was literally true. The writer knew him intimately for a number of years and can bear testimony to his pride of Jewish descent. When the first call for funds was made by the Joint Distribution Committee, Sam Dreben gave one thousand dollars, a large contribution for a Jewish citizen in El Paso and an extremely large sum considering the amount of cash he had.

His bravery may be illustrated by the following incident. At Villa Lopez, Mexico, he was operating a machine gun from an irrigation ditch.

A federal sniper in the tower of the church was trying to put Sam's gun out of commission by shooting at the mechanism. Sam reached for a boy-rebel's rifle near him, stepped out on the parapet of the improvised trench, took careful aim and his steady arm brought the federal sniper out of the church tower end over end, as if he had shot a turkey out of a tree. He then resumed his knitting at the machine gun.

The esteem in which he was held by the ranking military officials of the United States and France is illustrated by the following incident:

Sam went to the meeting of the American Legion at Kansas City, Mo. He wore his many decorations and was admired by many.

During that celebration there was a banquet given for the notables of the occasion. Among those present at the banquet were General Pershing of the United States, Marshal Foch of France, General Diaz of Italy and Admiral Beatty of England. Sam strolled up to the hotel and started toward the door of the banquet room, when two big U. S. Marines stopped him and told him that this spread was "for Generals only." Sam showed them his decorations but they told him that orders was orders and that if he did not move they would kick him out. As Sam started for the lobby of the hotel he saw General Pershing and Marshal Foch coming to the banquet. The bands played "Hail to the Chief" and Sam stood at attention as the generals approached. When Pershing saw him he stopped, called him and, turning to Marshal Foch, said, "This is one of my finest and bravest soldiers," and when Marshal Foch saw the French decorations pinned on his breast, he embraced him in the typical French style. General Pershing then invited him to the banquet and when he, with the two generals, marched in, the same Marines stood at attention and as Sam passed he placed his hands to his mouth and whispered something that had best not be printed.

The editorial comment of the evening and morning papers of El Paso, Texas, illustrate well the thought of the American community in which he lived. *The El Paso Herald* said:

Here's to Sam Dreben; Jewish immigrant, of old world peasant stock, a fine upstanding American who loved the United States with a passionate devotion of which many of us are incapable: an honorable man, a loyal friend, a gallant soldier—all honor to his memory, peace to his ashes, eternal happiness to his soul.

The El Paso Times said:

It is with some bitterness that one realizes that had the "alien laws" now in force in this country been in effect when Sam Dreben reached our shores, he would have been barred. We would have no place for the immigrant boy who proved one of the greatest heroes of the American Army.

What the larger world thought of him is illustrated by the decorations for bravery given by various countries and by the following poem, "A Jew," by Damon Runyan, published in *The Cosmopolitan,* November, 1922:

There's a story in that paper
I just tossed upon the floor,
That speaks of prejudice against the Jews.
There's a photo on the table
That's a memory of the war
And a man who never figured in the news.
There's a cross upon his breast—
That's the D. S. C.
The Croix de Guerre, the Militaire,
These too.
And there's a heart beneath the medals,
That beats loyal brave and true,
A Jew.

He is short and fat and funny
And the nose upon his face,
Is about the size of bugler Dugan's horn.
But the grin that plays behind it,
Is wide and soft and sunny
And he wore it from the day that he was born.
There's a cross upon his chest—
That's the D. S. C.
The Croix de Guerre, the Militaire
Mon Dieu!
He's a He-man out of Texas
And he's all man through and through,
That's Dreben,
A Jew.

Now whenever I read articles
That breathe of racial hate.
Or hear arguments that hold his kind to scorn,
I always see that photo
With the cap upon the pate
And the nose the size of bugler Dugan's horn.
I see upon his breast
The D. S. C.
The Croix de Guerre, the Militaire—
These too.
And I think, thank God Almighty,
We will always have a few,
Like Dreben,
A Jew.

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CARDINAL GIBBONS AND HIS ATTITUDE TOWARD JEWISH PROBLEMS.

By Rabbi William Rosenau, Ph. D.

James Cardinal Gibbons was born July 23, 1834, and died March 24, 1921. It was the privilege of the writer to know him personally for twenty-nine years, and to be associated with him during this period in the furtherance of many and various communal causes. The writer is, therefore, in position to declare, that Cardinal Gibbons was "a friend of Israel." On many an occasion when the writer called at his residence, the cardinal would speak of his early studies in Hebrew, and referred to his ability to appreciate Israel's divine commission as "a kingdom of priests and holy nation." In the communities he served he always cultivated the friendship of rabbis.

Already in Richmond, Va., of which he became bishop, July 30, 1872, he was on intimate terms with Rabbi Aaron Bettelheim of that city. Subsequently, when he was stationed permanently in Baltimore, he proved, both by performance of deeds and exercise of influence, that he was ready to help Jews whenever non-Jewish cooperation and assistance were needed for their well-being. For a long while he is said to have been an anonymous contributor to the Baltimore Jewish charities.

When in 1890 Jews suffered from persecution in the domain of the Czar, Cardinal Gibbons addressed to B. H. Hartogensis, of Baltimore, a letter denouncing the persecution as un-Christian. The letter reads as follows:

CARDINAL'S RESIDENCE,
408 NORTH CHARLES STREET.

BALTIMORE, December 15th, 1890.

MY DEAR SIR:

I beg to thank you for the copy of paper which you were pleased to send me. I laid it aside with the hope of perusing it at leisure but unfortunately it has been misplaced and I cannot find it.

Every friend of humanity must deplore the systematic persecution of the Jews in Russia.

For my part I cannot well conceive how Christians can entertain other than most kindly sentiments toward the Hebrew race, when I consider how much we are indebted to them. We have from them the inspired volume of the Old Testament which has been consolation in all ages to devout souls. Christ our Lord, the Founder of our religion, His Blessed Mother, as well as the apostles, were all Jews according to the flesh. These facts attach me strongly to the Jewish race.

I am yours very sincerely,
J. CARD. GIBBONS.

In a communication written by the late David Bachrach, of Baltimore, to the *Baltimore Sun,* under date of March 25, 1921, he gave an account of the cardinal's keen regret over the Kisheneff massacre, the incidents of which many a person recalls:

[Cardinal Gibbons] was especially warm in his friendship for the Jews. One incident I can remember of him in particular. It was at the time of the indignation expressed here at the pogrom and murder in Kisheneff. Dr. Harry Friedenwald asked me to see the Cardinal and ask him to write a letter on the subject to a meeting the next day at the Mayor's office. He was confined to his room with a bad cold, but the janitor followed his custom in my case and got his permission to ask me up to the room. He not only promised to do that, but said he would go himself, if he felt at all able to do it.

Despite his cold, which was not cured at the time, he went there and made a most eloquent plea in behalf of the outraged people at the meeting. . . . .

When in 1918 and 1919 Baltimore endeavored to raise its quota for American Jewish Relief, Cardinal Gibbons wrote the following letters:

May 10th, 1918.

Rev. William Rosenau,
Baltimore, Maryland.

My dear Dr. Rosenau:

I have learned of the efforts you are making to raise this week in Baltimore a fund of $500,000.00 to be added to the $15,000,000.00, which American Jewry is to send across the waters to relieve suffering among Jews in the war zone.

My personal regard for my many Jewish friends residing in Baltimore and my deep sense of appreciation for their many acts of kindness and generosity towards me, compels me to speak in the strongest terms of admiration of the noble and charitable work they have undertaken, and I have no doubt that their usual generosity and munificence will be rewarded by the full realization of success in completing the fund.

Yours very sincerely,
J. Card. Gibbons.

November 13, 1919.

Mr. Jacob Epstein,
The Jewish War Relief Committee,
Baltimore, Md.

My dear Mr. Epstein:

The Jewish War Relief Committee has my sincere wishes for success, and warm approval, in the Campaign about to open for funds. We are saddened by the well authenticated reports of suffering that come from those countries which felt most the devastating effects of the war, and feel the solemn obligation of rendering speedy and generous assistance. I am confident that your committee will bring great comfort to the sufferers of those sorrow stricken lands.

Very faithfully yours,
J. Card. Gibbons.

In the numerous attempts made to introduce the Bible into the public schools, which if passed would have precipitated a disagreeable situation for Jews as well as for the small percentage of Catholics attending them, Cardinal Gibbons did not hesitate to express his opinion of the project and contributed much to its defeat. Thus it is recalled that, during Governor Crothers' administration, Maryland was protected by the cardinal against the denominationalizing of the schools of both the city of Baltimore and the State.

In 1915 the Ohio legislature was grappling with the problem of introducing the Bible into the schools of that commonwealth. Wilbur F. Crafts stated that Cardinal Gibbons favored the reading of the Bible in the public schools. The writer as well as the opponents of the Ohio bill had serious doubts about the justice of Mr. Crafts' claim and brought the matter to the attention of the cardinal, with the following result:

March 27, 1915.

The Rev. Dr. William Rosenau, Rabbi,
Eutaw Place Temple, Baltimore, Md.

DEAR DOCTOR:

In answer to your letter of the 26th. inst. I would say that last September, Mr. Wilbur F. Crafts wrote me concerning a book "Bible Stories," asking for a friendly letter relative to the same. I replied in a spirit of friendship, approving as I have always done, of the reading of the Holy Scripture, but no mention was made, nor was anything said to give the impression, that I intended this letter to be an endorsement of the reading of the Bible in Public schools. As things stand I am opposed to this, as it gives a teacher the opportunity to make such selections and comments as may offend the religious beliefs of the scholars. It is an entering wedge that might lead to great abuse.

Faithfully yours,
J. CARD. GIBBONS

On one occasion when the bill to regulate immigration containing a literacy test, was introduced in Congress, and subsequently defeated through the intercession of Cardinal Gibbons, the latter wrote as follows:

May 5, 1912.

Rabbi William Rosenau,
Baltimore, Maryland.

MY DEAR MR. ROSENAU:

I am in receipt of your esteemed favor of the 3rd instant, and in reply I beg to say, that I am not in favor of any educational test as applied to immigrants desiring to enter the United States. Such a law if passed, would in my opinion work great harm; for illiteracy is by no means always ignorance. If the immigrant is industrious and thrifty he will make a useful citizen whether he be literate or

illiterate. The educated schemer is, in more ways than one, more dangerous than the honest workman, even though he be illiterate.

Very sincerely yours,

J. Card. Gibbons.

It will be recalled that, during the latter days of the anti-Jewish feeling in Georgia, the effort was made to obtain clemency from the governor of the state in behalf of Leo M. Frank, resentenced to be hanged June 22, 1915, for the alleged murder of Mary Phagan. It was then that Cardinal Gibbons wrote the following:

May 29, 1915.

Reverend Dr. Wm. Rosenau,
Baltimore, Maryland.

Reverend and dear Doctor:

An absence of two weeks in the Western part of the State has caused my delay in sending you a reply to your letter in reference to the case of Leo Frank of Atlanta.

I am now pleased to say, that, in the interest of mercy, I allow you to make use of my name in favor of a commutation of sentence for Mr. Frank.

With sentiments of the highest esteem, I am

Very faithfully yours,

J. Card. Gibbons.

In the spring of 1915, a Rev. Mr. Klein, stationed at Havana, Cuba, visited the writer for the purpose of having him use his influence with the cardinal in behalf of Mr. Klein's constituency. The anti-vivisection Society of Havana had succeeded in having passed an ordinance forbidding the Jewish ritualistic slaughtering on the ground of supposed cruelty to animals. One of those active in the passage of the ordinance was a Catholic priest, an appointee of Cardinal Gibbons. I communicated these facts to the cardinal, with the result that the interested priest used his good offices to have the interdict nullified. Both interesting and significant is the letter which Cardinal Gibbons wrote to Rev. Mr. Klein on *Schechitah:*

April 21, 1915.

Rev. and dear Mr. Klein:

It has been brought to my attention, that the members of the Jewish faith are endeavoring to have an interdict removed, which at

present in Havana prevents them carrying out a prescription of their religion regarding the slaughter of animals. And I have also been asked for an opinion on the matter. To me it seems not any more cruel, possibly less so, than permitted ways of killing, and with proper care sufficiently hygienic. I hope that you and your people will succeed in securing the right which you ask.

Very faithfully yours,
J. Card. Gibbons.

Because of these examples of Cardinal Gibbons' friendly attitude toward problems, which are either wholly or in part Jewish, and many instances of close personal relationship with Jews of Baltimore individually, among whom the writer was included, it is not at all strange that among appreciations, published at the time of the cardinal's death, were found eulogistic estimates from the pens of the Jewish clergy and laity. The memory of this righteous man is a twofold blessing—a blessing to the people who enjoyed his benevolence and to him who made benevolence an outstanding virtue.[1]

[1] The originals of the above letters and many others from James Cardinal Gibbons are in the writer's possession.

THE RUSSIAN NIGHT SCHOOL OF BALTIMORE.

By Benjamin H. Hartogensis, A. B.

It is timely after a full generation has passed to set down the history of a useful institution, which the needs of the immigrant Jews at Baltimore called into being. The city authorities had failed for a number of years since under Jacob Goodman, as superintendent, they had conducted night schools, there was no provision for working people to procure a training in the vernacular. In the backward school-system of those days no care was taken of those even of school age and in day schools, to help them along in the grades to which they belonged by helping them with their English.

Fortunately, Miss Henrietta Szold sensed the needs of the recent immigrants, and having suggested such a school to the Isaak Bar Levison Hebrew Literary Society, a group of forward-looking *maskilim,* with which her father, Rabbi Benjamin Szold, was in frequent contact, it fell to her to establish a school for teaching English; of course she volunteered her services (as did many others who followed her), although the work soon came to be the daily business of her life.

In November, 1889, she opened her class in the rear of the second floor of a store on Gay Street near Front Street, under kerosene lamps, with about thirty Russian Jewish immigrants. Soon she had to find means to conduct two more classes under the Misses Grace Bendann and Deborah Cohn. No records were kept of the first year's work; thereafter statistics were preserved and are herewith appended for six years. Another location was soon procured and rooms equipped at 132 North Front Street; but most of the work was done at 1208 East Baltimore Street in the residence formerly occupied by Moses Friedenwald and his family.

Contributions were sought. Mrs. Bertha Rayner Frank began with $100; the local Baron de Hirsch committee gave $30 per month for a school with an enrollment of 900; the literary society gave at times a little more, generally a little less, and of course dues from pupils brought little. So that it became necessary to constitute a committee first to provide and solicit funds for the school, and then to take over the work of conducting either seven or eight classes four nights each week from the Hebrew Literary Society. This self-constituted body without even rules styled itself the Russian Jewish Night School Committee, and included Dr. Aaron Friedenwald, chairman, Edward H. Wise, Moses R. Walter, B. H. Hartogensis, Rev. Alois Kaiser, Max Hochschild, Leopold Strouse, Simon Dalsheimer, Albert Rayner, Dr. Joseph Blum, David Oppenheimer, Samuel Tahl, Henrietta Szold, and Solomon Baroway, secretary. At one time or another the group had the assistance of Dr. Cyrus Adler, Louis H. Levin and William Frisch. It should be mentioned that the Baroness de Hirsch in 1897 contributed $1000 to the committee through the efforts of the writer, using the good offices of the *Alliance Israélite Universelle,* of which he is a non-resident director.

The total registry of pupils, before the close of the classes in 1898, was over 5000 men, women and children. A few old men came, as did many middle-aged men with their wives, likewise children; but those of school age were almost from the start not received; above 14 years they were deemed wage-earners, whose help was needed at home. The seven classes were all graded, only experienced school teachers being placed in charge; the highest class in charge of the superintendent was given over to instruction in American history, and encouragement given thereby to look to naturalization. English alone was used as a vehicle of instruction, and it was never found necessary to depart from this rule. During one summer the Misses Bendann and Reizenstein conducted night sessions without vacation, and without pay. In 1893 Miss Szold having

resigned the superintendency to take up her duties as secretary to the publication committee of the Jewish Publication Society of America, Miss Grace Bendann took her place and continued the work with increased attendance and larger classes, until her marriage to the writer in the Spring of 1896 at the close of the school session. She was succeeded by Miss Rose Sommerfeld who continued until she was called to take charge of the Clara de Hirsch School for Girls at New York in 1897, and the following year the school passed out of existence. But it had left a permanent impress.

For now, upon the urge of the writer, James Van Sickle, then superintendent of the public schools of Baltimore, agreed to open night schools, principally to take care of recent immigrants. The first was opened on High Street under the direction of Jacob Grape; later after consultation with the writer Superintendent Van Sickle persuaded David Weglein to take charge of the immigrant school night classes. Mr. Weglein secured extraordinary results during the many years that he conducted the schools. Superintendent Van Sickle yielded to the insistence that the religious scruples of the Jewish pupils be respected, and no sessions were held on Friday night; so to this day in the immigrant night schools in the Jewish district sessions are held on Monday, Wednesday and Thursday of each week, alternate nights being the rule elsewhere. Moreover, the rule that no Yiddish or German be used as a vehicle for instruction was followed and the simple text books of the Russian Night School used. Superintendent Van Sickle saw the force of the writer's argument that there must inevitably be a closer bond of sympathy between pupil and teachers, if both were Jews, so, at examinations for teachers to comply with the civil service rules, a test was set for proficiency in Yiddish in order to attract Jews. While most of the pupils at the school were Jews, Polish and Slavic Catholics were received and instructed at a time when at their overseas home *pogroms* were the order of the day.

In order to procure this large result—and it was frequently said by many capable merchants, doctors and lawyers that they owed their success in life to this school—great sacrifices had to be made by several of the committee. These gave unstintingly of their time day after day and every school night to direct the work of the school conducted under its peculiar name, the Russian Jewish Night School Committee.

It is safe to say that this institution contributed more than any other single influence to make citizens of the first class in Baltimore of the largest number of these 5000 Jewish immigrants.

NOTES.

Benjamin Franks, Merchant, and Captain Kidd, Pirate.

Benjamin Franks was an uncle of Jacob Franks, prominent among the Jews of colonial New York. He is so named in the will of Moses Franks, a brother of Jacob, probated in London in 1716.[1] His name has not heretofore otherwise appeared in our *Publications*. A Benjamin Frank, who has been identified as the same person, appears to have been an inhabitant of St. Thomas or St. Croix, in the Danish West Indies, in 1696, in which year his ship was detained by pirates and his skipper maltreated and robbed.[2] Franks then apparently came to New York. Previously he had also resided in Barbados and Jamaica.

Shortly before this Governor Bellamont of New York entered into an agreement with Robert Livingston for the fitting out of the galley *Adventure,* for the seizure of pirates and the king's enemies, with a stipulation as to the disposal of the prizes.[3] They employed Captain William Kidd to take command. The latter on September 10, 1696, signed an agreement with his quartermaster, John Walker, and members of the ship's company or crew, for a division of whatever prizes should be taken.[4] This agreement gives a list of the members of the crew. Among the names there appearing is that of Benjamin Franks, of the starboard watch. I had met with this record some years ago but could not identify this Franks as a Jew. I had also seen the name in an abstract of a deposition by Franks relating to Captain Kidd, made at Bombay in 1697,[5] and was also then unable to identify the man as a Jew, the abstract omitting the confirmatory item. Recently a full copy of this deposition was printed,[6] and this, through the statement that Franks was sworn on the Old Testament, established the fact that the deponent was a Jew.

[1] *Publications of the American Jewish Historical Society*, No. 26, p. 264.

[2] J. Franklin Jameson, "Privateering and Piracy in the Colonial Period," New York, 1923, p. 190, citing Waldemar Westergaard, "The Danish West Indies," New York, 1917, p. 110.

[3] "British Calendar of State Papers, America and West Indies, 1700," p. 608, No. 850, II.

[4] *Ibid.*, pp. 199-200, No. 354, XVII.

[5] *Ibid.*, for 1697-1698, p. 733.

[6] Jameson, *supra*.

As is well known, Captain Kidd, after setting out in the *Adventure* in 1696 to seize pirate ships, turned pirate himself. and when his depredations became known to the authorities, was induced to come to New York where he was taken prisoner, and not being triable in the colonies for his alleged crimes, was sent to England where, after trial and despite his protestations of innocence, he was executed. Governor Bellamont was accused by his enemies of being secretly interested with Kidd in his piratical enterprises but that charge has never been sustained.

From the records it appears that in September, 1696, Benjamin Franks joined the galley *Adventure* in New York, with the view of going to some place in the East Indies to establish himself in his profession as a jeweller, he having lost over £12,000 sterling through business misfortunes, and that he took no part in the piratical acts of Kidd but with another member of the crew left the vessel at Carwar, 350 miles from Bombay, in August, 1697.[7]

After Franks left the ship at Carwar he made a deposition at Bombay in October, 1697, before the Secretary of the East India Company, and this was transmitted to the Council of Trade and Plantations in London. Before this body Franks, on the order of the East India Company, was brought in 1698 to be personally interrogated for further information, but nothing new was elicited from him. He was not a witness at the trial of Captain Kidd in London nor was he examined by the House of Commons before whom a number of Kidd's crew were called upon to testify. That Benjamin Franks did not take part in any of the piratical acts of Kidd clearly appears from his deposition and other testimony. Of his subsequent career we can only gather from the will of his brother Moses that he was alive in 1716. He was forty-seven in 1696, according to his deposition. No other data has thus far been found about him. There were later in New York members of the Franks family who bore as part of their names the *praenomen* of Benjamin. One of these was Henry Benjamin Franks, a copy of whose will appears in the *Publications*.[8] He was the father of Col. Isaac Franks and Col. David S. Franks, of American Revolution fame, and the other was Moses Benjamin

[7] Jameson, *supra*, who cites the deposition of William Cuthbert before the House of Commons, printed in the "Journal of the House of Commons," vol. iii, p. 26, to the effect that "two of Kidd's men deserted him at Carwar because of his attempts and designs towards piracy and his cruel conduct towards his men," and that "Franks, Hebrew jeweller, was apparently one of the two."

[8] No. 25, p. 126.

Franks, whose daughter married the well known Haym Salomon. Benjamin was probably the father of Henry Benjamin and Moses Benjamin Franks, judging from the facts we have. Henry Benjamin Franks, in his will which speaks of brothers without naming them, is described as a friend of Jacob Franks.[9] Moses Benjamin Franks does not appear to have been of the immediate family of Jacob Franks.

The deposition of Benjamin Franks, which follows, is here given as printed by Professor Jameson in full from the original record,[10] and adopting his notes as to the location of the various places mentioned by Franks. There is no available record of Benjamin Franks in New York after 1697.

The Deposition of Benjamin Franks aged about 47 years (who came out on the *Adventure Gally,* a Privateer, Captain William Kid Comander) Inhabitant of New York.

Declareth That having lived in Barbadoes and Jamaica and traded in severall parts of the West Indies, meeting of late with great losses of above £12,000 sterling by the Earthquake and Enemyes and through misfortune, came to New York and there finding Captain Kid comeing out with a full Power to the East Indies to take the Pyrates, which he shewed me by the means of my Friends, so resolved to go with him to the East Indies and remain there at Surrat or any other place where I could best follow my profession, being a Jeweller, for he told me he would put into some of the said Parts. Wee sailed from New York the 6th September 1696 in Company with a Brigantine belonging to Bermudas, bound to the Maderaes. there met with a Brigantine from Barbadoes bound for England who had lost her Mast and Boltsprit, whom Captain Kid assisted with a Mast, Riggin and Canvas, for which kindness [the] Master gave him a few flour Barrells with Sugar. the same Brigantine after she had what she wanted proceeded on her Voyage. And a day or two after wee espyed a Ship whom Wee gave chase to three days and came up with her, found her to be a Portuguez from Brazile bound to the Maderaes. the Captain of the Portuguez pre[sen]ted Captain Kid with a Roll of Brazile Tobacco and some Sugar, in lieu of which Captain Kid sent him a Cheshire Cheese and a Barrell of White Bisket, but through mistake of the Steward the Barrell thought to be Bisket proved to be Cutt and Dry Tobacca. So Wee proceeded to Maderaes and saw the Brigantine in safe that came under our Convoy. wee stayed there one day. before wee departed from thence the Portuguez ship came in. Thence wee went to Bona Vista,[11] took in some Salt, thence to St. Jago, tooke in Water and some Provisions; from St. Jago wee steered our course for Cape Bona Esperanza[12] but before wee

[9] N. Taylor Phillips, in *Publications, supra,* No. 4, p. 201, without citing his authority, claimed Henry Benjamin to be a brother of Jacob but this is not supported by Henry Benjamin's will. *Cf., Ibid.,* No. 25, p. 125.

[10] British Record Office, C. O., 323 : 2, No. 124, I, printed in Jameson, *supra.*

[11] One of the Cape islands. Santiago is a larger island of the same group further south.

[12] The Cape of Good Hope.

got to the Latitude thereof Wee met with three English Men of War and a Fireship, Captain Warren in *Windso[r]* Comodore,[13] Captain Acton in the *Advice,*[14] the *Tyger,* and Fire Ship I do not know the Commanders names. I was on board the Commodore when he told me that Kids Commission was firm and good and that he would not molest or hinder his proceedings for his putting his hands to his Ears, and discoursing of severall things of the Voyage amongst the rest the Commodore told Kid he had lost a great many of his men and asked him to spare him some, who answered that he would let him have 20 or 30, and about a day or two after Kid went on board one of the Men of War again and in the evening came on board his own ship very much disguised with drink and left the Men of War without sparing them the men he promised. Some time after had sight of the Cape, did not put in but went directly for Madagascar and imported at a place called Talleer,[15] where took in some Water and provisions. After our being there some time came a Sail in sight and came to an Anchor in Augustine Bay, upon which wee weighed Anchor and came to her, the two Ports being but a little way distant from each other. We found her to be a Sloop from Barbadoes come to buy Negroes, after which Wee returned to Talleer, our former Port, and the next day the Master of the Sloop came on board Us being very ill when he came, a few dayes after ordered the Sloop to come down to Talleer, and the same day she came down the Owner and Merchant[16] dyed on board of us, and he that succeeded him could by no Means agree with the Master of the Sloop but continually a quarrelling and fighting. Our Captain did what he could to make up the difference between but to no purpose. So when wee had done getting our provisions etc. on board Wee sailed for Johanna[17] and the Sloop followed us, and seeing two Ships gave them Chase, found them to be both East India Men and so went in together in Company to Johanna and two India Men came in after, Wee took in Some Water and went to Mohilla[18] to clean our Ship. And this Sloop still followed Us, but our Captain told him Severall times to be gone and agree amongst themselves, but they took no notice thereof, continuing with Us all the time of our Stay here, being about 5 weeks, where buryed severall of our Company but the just number I know not. when Wee had been there about 5 weeks a Pinnace came on board of Us with some Men, the quantity I know not, for being mortall sick, the Merchant of the Sloop dyed there too. Wee returned from this place to Johanna and the Sloop in our Company. Wee took in some more water and some French Men, the quantity I know not for I was carryed a shoar sick and lay a shoar all the time wee lay at Johanna. Wee sailed thence, leaving the Sloop behind us, directly for India and touched at a place called Motta.[19] there was 5 Junks ashoar at an Anchor ditto place. our Captain

[13] Capt. Thomas Warren, R. N.

[14] Capt. Edward Acton, R. N.

[15] Tulleer, near St. Augustine's Bay, on the southwest coast of Madagascar.

[16] Supercargo.

[17] One of the Comoro group of islands, lying between the north point of Madagascar and the mainland of Africa.

[18] Mohelli, another of the Comoro group.

[19] Matta in the Red Sea.

wanted to take in some water, sending the Pinnace ashoar for some, which the Natives refused, upon which our Captain next morning sent both Boats with a matter of 40 Men or thereabouts with Armes, as I heard lying very Sick of a Feaver, Ague and Flux, and that he had bought two Cowes and some dates, and 2 dayes after the People run away into the Mountains, as I heard, after they run away the People sent a shoar, found India Corn and Garravances[20] in great holes, and brought off likewise six of the Natives, of whom four leaped overboard in the Night and swam ashoar, the other gave [3] Cowes and 2 Sheep for their ransom, as I heard of the Seamen, lying very ill. from thence wee went to the Babs[21] and there anchored to wait for Pyrates, as the Seamen said, but meeting with none, sending the Pinnace out 3 or 4 times, as I heard of the Seamen, but at Carwar ashoar I heard of the Seamen that they was to go to Mocho.[22] after the Pinnace went with the Captain, Quarter Master came back and gave an account there was 17 Sail, which I heard of the Seamen as I lay ill. our Captain ordered two men ashoar on one of the Babs. when the Fleet came in sight the Men waved the Jack[23] the whole Fleet came by the Babs on a Saturday in the evening in the month of August, but the day of the month I do not remember. our Captain weighed and stood amongst the Fleet, as I heard of the Seamen. the next morning at break of day one of the Fleet began to fire at Us, as I heard of the Seamen, which alarming the rest they all did the same. there was one Ship which the Captain said was a Mallabar, pretty near Us, as I heard of the Seamen. then our Captain ordered the people to row up to him, being but little Wind, then the Mallabar fired at Us, and our Captain at him severall Guns. at last our Captain perceiving an English and Dutch Colours did all he could to get away. the Captain designed to go to the high Land off St. Johns.[24] meeting with a small Vessell under English Colours he chased her and comanded the Master to come on board and plundered the Ship. I hearing a great noise asked what it was, they told me that our Folks beat the People aboard of the little ship and against night I heard there was a Portuguez. so doing my endeavour to creep up to speak to the Portuguez and asked him what was the best news, he told me that he and the Master was forced to stay on board of our Ship, and that he did belong to Bombay, and that our Captain had taken out some Rice, Raisons and old Cloths and some Money. I heard of the Seamen that our Captain had Information of three ships that had gone out of Aden bound for Callicut being off Carwar, and being in necessity for Wood and Water put in there, at which time I made great intercession to the Captain for leave to go ashoar, which at last I obtained by giving him a Beaver Hat, for he was unwilling to let any go ashoar but whom he thought he could trust, for fear they should run away for most of his people seemed dissatisfyed and would I believe do as I have done in making their Escape if had opportunity, for the Carpenter and his mate

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[20] Chick peas.

[21] Straits of Bab-el-Mandeb.

[22] Mocha. Carwar is on the west coast of Hindustan, some 350 miles south of Bombay.

[23] The Jack was a small flag, in this case no doubt the union Jack, combining the crosses on the flags of England and of Scotland, and was at this time commonly flown at the spritsail-topmast head.

[24] Probably Due, in northwest India.

with several others does design to run away with the Pinnace. This I do swear by the old Testament to the best of my knowledge and what I have heard of the Seamen, that all the abovewritten is true.

Benjamin Franks.

Bombay the 20th October 1697.
Sworn before me.

Samuel Oppenheim.

When Did David S. Franks Last Leave Canada?

There are several incidents in the life of David Salisbury Franks that have as yet not been cleared up, and which leave the field open for further historical investigation. Thus we do not know much as to the exact date when he set foot in Canada for the first time. It is generally assumed that he was in Quebec prior to 1774[25]; although Abraham Franks, his father, was in Canada long before that year, having settled in Quebec in 1767. Likewise we cannot say with certainty when he last left Canada, after he joined the American revolutionary ranks.

From the time that the Americans granted him permission, June 29, 1776, to enter the United States,[26] most historians identify him with the cause of the colonists, implying that his relations with Canada were then severed. One year after this date, however, we still find him in Montreal, as may be inferred from a letter written by Sir Guy Carleton on May 9, 1777, to Lord George Germaine, in England, referring to David Salisbury Franks as an American among those in this country who are in sympathy with the American rebels. The names of the latter are given in this dispatch in the following words:

> Inclosed your Lordship will receive a list of the principle leaders of sedition here. We have still too many remaining amongst us that have the same inclination, though they at present act with more caution and so much subtility, as to avoid the punishment they justly deserve[27]

Benjamin G. Sack.

Columbus and The Jews.

In *Monatsschrift für Geschichte und Wissenschaft des Judentums*, vol. lxix (1925), p. 54, Dr. Fritz Baer reviews a number of re-

[25] "The Jewish Encyclopedia," vol. 1, p. 286.
[26] *Publications, supra*, No. 11, pp. 190-191.
[27] "Public Archives of Canada," Series Q, vol. 13, p. 98.

cent works dealing with the history of the Jews in Christian Spain. Among the publications considered is Manuel Serrano y Sanz, *Origenes de la dominacion española en America,* vol. i, Madrid, 1918. In the *Nueva biblioteca de autores españoles.* This work, as well as the same author's *Notas acerca de los judios aragoneses en los siglos XIV y XV,* published in the *Revista de archivos, bibliotecas y museos,* vol. xxxvii (Madrid, 1917), p. 324, is based on the extant notarial records of Saragossa.

From Serrano's publication it appears that, in consequence of the catastrophe of 1391, Azarias Chinillo, son of Noha Chinillo, a cloth merchant, belonging to an old and wealthy Jewish family, was baptized around 1415 under the name of Luis de Santangel. Thus arose this Marrano family.

Similarly, Juan Sanchez de Calatayud, the uncle of the later treasurer of Aragon, was baptized shortly before the year 1402. This accounts for the Marrano origin of the second Jewish associate of Columbus.

Serrano declines to accept the hypothesis (Baer adds: *wie alle ernsthaften spanischen Gelehrten*) that Columbus was the descendant of Spanish Jews. His paper in the *Revista* contains material on the appearance of the name Colom among the Jews of Aragon.

A. M. F.

David Franks and George Washington in 1758.

(Originals in the George Washington Papers, in Library of Congress.)

Philad^{a}. June 27th 1758

Sir.

I had p^{r}. Spore the pleas^{e}. of a Letter of 18th inst. with £196 : 15 : 2, supposed to be from you, there being no name sign'd. Inclos'd are the Rec^{ts}. you desire, seperately. Shall be glad to hear the Pack saddles are Right sort, the Cost I sent in a Letter with them.

I wish you a Successful Campaign, & with great Respect, I am

Dear Sir

y^{r} most obeid^{t} Serv^{t}.

David Franks

the Letter p^{d} 30/for Coll. George Washington.

Philad^{a}. June 26th 1758. Rec^{d}. of Coll. George Wasshington, One hundred & Ninety three pounds 16/2 for a Qty halfticks sent him, P^{r} hands of Jn^{o} Spore.

£193 : 16 : 2

David Franks

Rec^{d} philad^{a}. June 26th 1758 From Coll^{o}. George Washington Two pounds 19/ on acco^{t}. p^{r} Jn^{o}. Spore.
£2 : 19

Dav^{d}. Franks

Endorsed in Washington's handwriting: David Franks Esq^{r}. 27th June 1758. Inclosing two Rec^{ts}.

Samuel Oppenheim.

The Lyons Collection.

From time to time I have noticed slight details in the material of the Lyons collection published in Nos. 21 and 27, of the *Publications of the American Jewish Historical Society,* which require correction or elucidation. The following are such addenda and corrigenda:

No. 21.

The first *shoḥet* of Congregation Shearith Israel mentioned by the oldest extant minute book is Samuel Bar Meyr Cohen. He was *shoḥet* on Sept. 15, 1728 and through the year 5489, corresponding with 1728-1729, when his name and only his name appears in the accounts of the Congregation on p. 116 as that of the *shoḥet.* Some time before June 16, 1730, he was dismissed, and Solomon Bar Meyr was appointed in his stead, as appears on p. 13. A comparison of these dates would make it appear probable that the entry on p. 15 of the minute adopted on May 27, 1729, that it was decided to increase the salary of Solomon Meyr, is a misreading for Samuel Meyr. In May 1729, Samuel Meyr was apparently still the *shoḥet* of the congregation.

P. 20: The item under date of October 13, 1729 mentions 264 pieces of eight. In the letter from Curaçao published in No. 27, p. 3, the amount is given as 260 pieces of eight. These pieces of eight weighing 229⅜ ounces of silver are acknowledged in No. 27, p. 5, as having been received on the 7th of October, though they are here entered under date of October 13. A similar slight lack of agreement is to be found on p. 22 where an entry of the receipt of silver is made under date of February 23, which No. 27, p. 5, says was received on February 24.

The unintelligible entry, No. 21, p. 22, "By 43 oz. & 18 of Marcht silver" should read "By 43 oz. & ⅛"—as is clear from No. 27, p. 5.

P. 24: The name of the *Harham* is given as Israel Jeshurun. In No. 27, p. 4 and 5, the name is given as Raphael Jeshurun. He is usually known as Raphael. Israel may be a misreading.

P. 26: The second item on the page, as the total indicates, should be £2.11.3, not the impossible £2.11.13.

P. 29 & 34: Raphael Bar Benjamin mentioned in these lists is identical with the Ralph or Raphael Jacobs mentioned frequently throughout the volume. The index should be cross-indexed accordingly.

P. 40: Is Abraham Bar Judah, the third name from the bottom, identical with Abraham Judah, pp. 42 and 44?

P. 70: Three lines from the bottom there is a note by Mr. Lyons that no date is given in the original. The date when these officers were elected to serve for the ensuing year was Elul 5515, as is clear from the reference to Naphtali Hart Myers as *parnas,* p. 60.

P. 81: Hannah Louzada settled in New Brunswick, N. J. A reference to this passage should be added to the footnote, No. 27, p. 21.

P. 208: The dates given for the *hazanim* of the Congregation are not altogether accurate. Moses Lopez da Fonseca served not till 5497 but to 5496, as is clear from the minute, p. 30, adopted Elul 25, 5496. This involves correcting the date given for David Mendez Machado, who succeeded da Fonseca temporarily in 5496-1736, and was officially elected on Ve-Adar 11, 5497. Machado died not in Hanuka 5507, but in Hanuka, Tebeth 2, 5508. The date given for Benjamin Pereira, May 17, 1748, is also incorrect. It should be March 17, 1748, as it is correctly given on p. 57. The exact date on which Hazan Joseph Jeshurun Pinto resigned was May 1766, as is clear from p. 90 and 91. The date given for Isaac Cohen da Silva should be 5526, not 5527, as is clear from p. 92. Gershom Mendez Seixas was elected not Tamuz 10, 5528, corresponding with July 25, 1768, but Tamuz 25, 5528, corresponding with July 10, 1768.

P. 213: Valentine Campanal was *shammas* apparently earlier than 5489, since we find him, p. 4, as *shammas* at the very beginning of 5489.

The entry for Asher Campanal should read 5500 until 5504, 5505 until (not and) 5513. (See p. 58 and 69.)

The list of *shoḥetim* should probably begin with Asser Levy. The second item, Samuel Myers Cohen, should read 5489 until 5490. He did not die in office, as he was dismissed in 5490 and his place was taken by Solomon Myers (not as the name is given, Solomon Hart), who served from 5490 until 5504. Solomon Hart succeeded Solomon Myers for the remainder of 5504.

Jochanan (Bar Kimchi) in this list is better known as Jochanan Jacobs, mentioned on p. 80 and 87.

P. 270: Asher Bar Reuben should be cross-referenced to Rubin, Amsel with whom he is identical.

Benjamin ..... is identical with Benjamin Elias, to whom cross-reference should be given.

Bilah Bat Hisquian (a misprint for Hisquiau) should be cross-referenced to Bilah Levy, with whom she is identical.

Solomon Bond is a mistake for Bone, and should be cross-referenced Bunn, Solomon.

P. 273: The reference to Jacob Franks indexed as p. 69 should be p. 70.

P. 274: Gomez, Luis, should be cross-referenced to Moses Gomez. The reference to Moses Gomez should be sub-divided, as more than one Moses Gomez is referred to. The first Moses Gomez died in 1740.

P. 276: The item Hens should be cross-referenced to Henriques.

P. 277: The references to Joseph Isaacs should be sub-divided, as the first Joseph Isaacs died in 1737. The same applies to Samuel Levy, p. 279, the first Samuel Levy being the one mentioned, p. 11 and 20.

P. 279: Rachel Lewis and Rachel Luiza, p. 280, should be cross-referenced, as they are identical.

No. 27.

P. 29: The letter from Benjamin Jacobs about his marriage is about January 1784, not 1775. See No. 21, p. 143.

P. 42: The last four items standing in the pence column should apparently stand in the shillings column, and the item at the top of p. 43 should read, £1 15. But when these corrections are made, the total is 10 shillings too much.

P. 64: The letter No. 262 marked as being about 1796 may be somewhat earlier, since in No. 21, p. 214, Mark Solomons is recorded as being *shoḥet* in 5555, 1794-5.

P. 87: The contribution of Isaac as Isaacs should not be £12.6.0, but £0.12.6, the total is then correct.

P. 122: No. 16, Joseph Isaacs, died May 25, 1737. No. 22, Aron Louzada, died not December 27, but December 21, 1764. No. 27, the Hebrew and the English dates, do not correspond. Ab 21, 5525 was not August 19, 1764. The correct date is Ab 21, 5524.

P. 142: Seven lines from the bottom read *yechayyenu* for *vechayyenu*.

P. 192: The date of the death of Moses Levy should be Sivan 20, 5552, not 5522, as is shown by the English date, 1792—also by the entries, pp. 214 and 348. P. 214 gives the English date as June 13, 1792. This should be June 18, 1792.

The date of death of Bilah Levy is given on the tombstone once as Shebath 8, 5541 and once as Shebat 5. Shebat 8 is right.

P. 195: Judith Hays died May 1, 1832. The Hebrew date must therefore be corrected to read Iyar 1, 5592.

P. 197: Abraham Minis died August 29, 1801. The Hebrew date given lower in the inscription must therefore be corrected to 5561.

P. 198: The date of death of Meyer Benjamin is given on his tombstone as November 20, 1776 (1766), corresponding with Kislev 1, 5527. P. 350 his death is recorded as November 20, 1776, corresponding with Kislev 9, 5537. The correct date in both places is Kislev 9, 5537, corresponding with November 20, 1776.

P. 200: The year of death of Abraham Rodriquez Rivera should be corrected in the twelfth line of the inscription from 5585 to 5525 to agree with the date given in the first line of the inscription.

P. 202: Part of the translation of the Latin inscription is omitted.

P. 203: The date of death of Mrs. Rachel Rodriquez Rivera given in the inscription as both Veadar 3 and 8, 5521, should be in each case Veadar 8.

P. 205: Abraham Touro died October 20, 1822, not September.

P. 208: The last three lines belong to the following inscription, p. 209.

P. 209: The date of death of Isaac Mendes Seixas should be 5541 in both cases in the inscription.

P. 235: Four lines from the bottom, Bar should be Bat.

P. 244: Abeal, apparently a mistake for Abela.

P. 248: Seven lines from the bottom, Elian is apparently a misreading for Eliau.

P. 254: Abelot. Read Abeluth.

P. 527: For Greco-Syri, read Greco-Syria.

P. 528: Second line, for peace read truth.

P. 530: Line four, for Tehiel read Yehiel.

P. 531: Salienta Sabbath does not refer to any special Sabbath, but is a Spanish phrase for the going out of Sabbath, *i.e.*, Saturday evening.

P. 533: Add to the glossary. Sirchoth, *H.* Membranous growths. Twelve lines from bottom, for Jerusalem read Palestine. Eleven lines from bottom, for school, read study. Four lines from bottom,

this apparently refers not to the cloth placed over the *sefer* but to the cover of the reading desk.

P. 534: Two lines from bottom, add "among other subjects."

P. 593: The earliest reference to a Thanksgiving Day service is November 26, 1789. See p. 45.

D. DE SOLA POOL.

DISGRACEFUL ACTS OF A MOB AT A JEWISH FUNERAL IN NEW YORK, 1743.[28]

Mr. Zenger,

Your inserting this in your next Weeks Paper I am Satisfied must oblige every good and virtuous Man. I am in hopes it will not disoblige any of your Readers.

Yours, &c.

Having hear'd much of the *Jewish* ceremonies, Curiosity led me last Sunday to one of their Burials, with little thought of returning the better Friend to that Nation, which was so much rediculed and dispised by ours: But alas, to my Sorrow, I've only Reason to Abhor and dispise many who (O Impudence!) dare Stile themselves Christians. Of these, Rude unthinking Wretches such a Rabble was got together, it was with much Difficulty the Corpse was interr'd. I must confess I saw nothing but Decency on their Part. O that I might say the like of ours. But *my Mouth shall speak Truth and Wickedness is an Abomination to my Lips.* Lost to Shame and Humanity they even insulted the Dead in such a vile manner, that, to mention all would Shock a human Ear. One whom by his dress I should have thought to be a Gentleman, seem'd to Head this Mob. he when the Coffin was let down, held out an image (which I fear he's to fond of) and Mutter'd, in Latine, as I suppose, his Pater-Noster. God preserve his Majesty and Liege Subjects, who have too often felt the heavy hand of their Outrageous self principled Neighbours. This Wretch a Scandle to Mankind to Christianity in particular, that real Christians may use him as he deserves (Leave him none but Brutes like himself to Converse with) I think it my duty to Publish and utter (as a Christian) my Abhorrence of his Wickedness.

But as I shall always be pleased *to see the Sinner become Righteous, and the Fool leave his Folly, and be happy,* I must recommend to his perusal, *Luke,* iii, 14.

We See, some are Nominated and pass for Christians, who deserve not the Name of Man. Should we then wholy Condemn others? No, God forbid, let us be truly Christians, have Christian Charity, and Condemn none but such who, by visible Behaviour deserve it. I am perswaded there may be good and Virtuous Men of all Societys. Were we to be at Variance

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[28] *The New York Weekly Journal,* Monday, May 16, 1743. No. 495. The list in *Publications, supra,* No. 18, does not give any death about this date. The deceased was probably Abraham Isaacs upon whose estate administration was granted shortly afterwards.

with all whose Oppinion differs from our own, Friendship would be lost in Mankind; All Society must drop, and we that bear the image of our Creator sink below the Worst of Animals. Let us therefore have a Regard to our fellow Creatures, and only expose and ridicule Vice, Punish the Criminal and (*Tim.* v. 20.) *them that Sin Rebuke, that others may Fear.* And let us remember as saying of the Wisest of Men (*Prov.* xiv. 34) that *Righteousness exalteth a Nation, but Sin is a Reproach to any People* and (*Prov.* xxii. 10.) *Cast but the Scorner and Contention shall go out. Yea Strife and Reproach shall cease.* (*Tit.* 2. 7) *In all things shewing thy self a Patern of good Works in Doctrine showing Uncorruptedness, Gravity, Sincerity.* (*Ibid.* v. 8.) *Sound Speech that cannot be Condemn'd, that he that is of the Contrary part may be asham'd having no Evil thing to say of you.*

SAMUEL OPPENHEIM.

REBECCA GRATZ AND GRATZ VAN RENSSELAER.

There has been much speculation on the surname of Gratz Van Rensselaer and his relationship, if any, to the famous Rebecca Gratz, about whom he wrote an article in the *Century Magazine*, September, 1882. There is no blood relationship between these two, but there is an interesting family connection.

Joseph Simon, or Symons, who arrived at Lancaster, Pa., in 1735, had a large family of children by his wife, Rosa Bunn. One of his daughters, Miriam, married Michael Gratz and was the mother of the famous Rebecca; and another, Shinah, married Dr. Nicholas Schuyler of Troy, N. Y. Dr. Schuyler was a grandson of Nicholas Schuyler, born September 11, 1691, died July 3, 1748, of the famous Schuyler family, and a son of Harmanus Schuyler and Christina Ten Broeck. Of this union Dr. Nicholas was the first child. He had a brother, John Harmanus, who married Hendricka Fort, and had eleven sons and three daughters. Dr. Schuyler and his wife, Shinah, having no children of their own, adopted one of the daughters, Henrietta Ann, born August 2, 1796, died November 21, 1875. She married Philip Van Rensselaer, her first counsin, the son of Elsie Schuyler Bogart, sister of Dr. Nicholas and John Harmanus Schuyler, by her second husband, Major James Van Rensselaer (whose first wife was Catherine Van Cortlandt).

The first child of Henrietta Ann Schuyler and Philip Van Rensselaer was named Gratz and is the one referred to above. His mother's adopted mother was, as we have seen, an aunt of Rebecca Gratz, but whether the name was given as a compliment to Rebecca herself or any other individual member of the family, or whether to the family as a whole, I cannot say.

MARIAN L. KRAUS.

Will of Rabbi Carigal.

In the year 1777 there died in Barbados, to quote from the "Register of Burials of the Hebrew Nation" still preserved there, "Haham Raphael Haim Isaac Carigal, 48 yrs."

Readers of the *Publications* will scarcely need to be told that this personage was the famous wandering rabbi, whose travels had taken him from Palestine, the land of his birth, to the Ottoman lands, Persia, France, Germany, Italy, England, the American plantations and, finally, to the West Indies. In Newport, R. I., he had tarried for four months in 1773, and there he had gained the warm friendship of Rev. Ezra Stiles, president of Yale College. Hitherto the will of the rabbi has been available only in MS. at Bridgetown, Barbados.

Entd. May 27th 1777 25/111

Barbados. In the name of God, Amen.

I RAPHAEL HAIM ISAAC CARREGAL of the parish of St Michael in the Island abovesaid Raby being sick and weak in body but of a sound and perfect disposeing mind and memory do make & publish this my last Will and Testament in manner and form following that is to say.

FIRST I recommend my soul to the Almighty God of Israel imploring his divine goodness to pardon my sins.

Impris I direct that all my just debts and funeral expences be first fully paid and satisfied.

ITEM. I direct all my books and wearing apparel be sent to Mr : Abraham Levi Hemenes of London one of my Executors hereafter mentioned to be remited by him to my loving wife Hori Carregal and my loving son David Carregal of Hebron to be equally divided share and share alike.

ITEM. I direct that all my estate real and personal might be sold by my executors hereafter named and the moneys arising therefrom to be remited to London to Mr Abraham Levi Hemenes one of my Executors hereafter named to be remited to my loving wife Hori Carregal and my loving son David Carregal of Hebron to be equally divided share and share alike between them both.

And Lastly I nominate and appoint my loving friends Abraham Massiah Isaac Lindo and Mathias Lopez of this Island and Mr Abraham Levi Hemenes of the City of London Executors of this my said Will hereby revoking and making void all former or other Wills by me heretofore made. IN WITNESS whereof I have hereunto set my hand and Seal this seventeenth day of May one thousand seven hundred and seventy seven.

Rephael Haim Carreg[l] (Seal)

Signed sealed published and declared
by the said Testator as and for his last
Will and Testament in the presence of
Abm Depeza Moses Depeza Moses Lopez Junr.

BARBADOS. BY HIS EXCELLENCY

Moses Lopez Junr. one of the subscribing witnesses to within written Will this day personally appeared before me and made oath on the Five Books of Moses that he was present and did see Raphael Haim Isaac

Carregal the Testator therein named (since decd) sign seal publish and declare the same as and for his last Will and Testament and that he was at the executing thereof of a sound and disposing mind and memory to the best of his this deponents judgmt and belief.

Given at Pilgrim this 27th day of May 1777.

EDWD HAY.

Of the witnesses and executors Moses Lopez, Junr., was *parnas* of the main Bridgetown congregation Nidhé Israel, whilst the Depezas and Abraham Massiah hailed from Speightstown, 10 miles away to the north of the island, where a Jewish nucleus for many years past had constituted a smaller branch of the congregation. Mathias Lopez was a kinsman of Moses Lopez, Junr., and both were to die in their forties and within a couple of years of Carigal's demise. The London executor was a member of the famous Ximenes family long since turned Christian but at one time eminent in London Jewry. Carigal had doubtless gained the friendship of Abraham Levi Ximenes during his two and a half years' stay in London (from 1768 onwards) when he was teacher in the Bevis Marks *medrash*.

WILFRED S. SAMUEL.

THE TAXING OF THE JEWS IN JAMAICA IN THE SEVENTEENTH CENTURY.

To the paper by the late George Fortunatus Judah[29] can now be added further contemporary information. The council minutes of the period exist only in MS. form in the Colonial Secretary's office. Of these there is a MS. copy in the West India reference library of the Institute of Jamaica.

From the former are extracted the following minutes which date from the time of Sir William Beeston, who had been resident in Jamaica, with brief visits to England, from April 1660 until March 1692-3 when he became Governor of the Colony:

Att a Council Meeting held at St. Jago de la Vega, Jamaica, under the presidency of Sir William Beeston, Knt. Governor, on the 2nd day of May 1700, His Excell^{y} acquainted the Board that he had received from the Lords a Memorial put in by the Baron de Belmonte on the behalf of the Jewish Nation, And that thereupon he had sent for some of the principall of the Jews and required them to give their reasons in writing why they had made such a Complaint as in ye memorial wch being returned to him, he communicated together with the Memorial to this Board and they both being read his Excelly. also communicated to ye Board a Letter he had

[29] *Publications, supra,* No. 18.

prepared to send to ye Lords in answer which being also read was approved of and it was ordered that the Memorial, the Jewes answer to his Excelly and his Excelly's Lettr to the Lords should be entered in the Council Booke as followeth.

Sire
Le Baron de Belmonte represente très respectueusement V.M. qu'ayant eu l'honneur informer V.M. des justes plaints que les Juifs portugais habitans dans l'isle de la Jamaique ont Contre L'Assemblée de la ditte Isle puisque sans avoir esgard aux Lettres de Denization et de Naturalization que V.M. et les Rois Ses predecesseurs leurs ont fait la grace de leurs accorder pour ce qui concerne leurs privileges de quels ils ont jouis l'espace de plus de trente ans non obstant les frequentes Sollicitations des Anglois de la ditte Isle qui pretendoient que le Assemblée les taxa particulièrement ils sont en fin succombez et ont este obligez de payer par trois fois les Taxes particulières de trois Mille Livres outre les Taxes gènèrales faits per les paroissiennes et ils ont même este sur le point dans le dernier Assemblee d'estre taxes particulièrement en cinq mille deux Cent cinquante Livres, et comme V.M. a bien voulu accorder à la très humble prière du Baron de Belmonte qu'elle donneroit ses ordres soverains pour fair maintenir à la nation Juifve portugaise les privileges dont ils toujours joui dans l'isle de la Jamaique et les Lettres pattentes des Rois Antecesseurs de V.M. de même,—Baron de Belmonte supplie V.M. très humble et tres respectueusement de faire escrire au Governeur de la Jamaique que il aye a maintenir et observer religieusement et sans delai les privileges que V.M. et le Rois predecesseurs ont fait la Grace d'accorder a la natien Juifve portugaise per ses Lettres pattentes sans les singulariser par aucune Taxe particulière et qu'on leurs laisse jouir du. Culte et du libre exercise de leur religion, sans les obliger aprendre les Armes le jour du Sabbath ou de leur Festes sollemnelles à moins que l'enemy ne soit à la Veue qu'en tel cas ils les prendront avec ardueur et tacheront de se montrer dignes sujets et Vasseaux de V.M. Et le Baron de Belmonte espère de la royale fonte de V.M.

Le Baron de Belmonte

To his Excelly Sr Wm Beeston Knt
Capt Genl & Govr in Cheife of the Island of Jamca.

Your Excellency has been pleased to give us a Coppy of ye petition that the Baron de Belmonte did present to his Majtie in behalfe of the Jewish nation Inhabiting this Island and at the same time your Excelly was pleased to demand of us the reasons and what just cause we had to make our application to obtaine his Majties Favour and protection. Wee have often made our application humbly petitioning your Excellency and the Assembly praying that we may not be particularized in any Taxation by ourselves but onely as the rest of the Inhabitants our neibours were rated but we never have been so happy with our petitions to take any effect, on the contrary your Excellency will please to remember that by four successive Assemblys we have been taxed as appears.

The first Assembly that was after the General Calamity of the Earthquake was for £750.

The second Tax was for one thousand pounds, both which are as appears by the printed Acts of Jamaica, (folio 8. 66.) which makes One Thousand seven hundred & fifty over and above and besides paying equally with all the Inhabitants of this Island as more at large appears in the said Act.

The third Assembly haveing understood that it was not well taken in England that the Jews should be taxed two severall wayes as was expresst in the last assembly over and above and besides for wch reason wee humbly presume that we were taxed at a Lump One Thousand seven hundred & fifty pounds and according to a true Calculation made of ours if paying as the rest of our neibours at that time which was upon houses, Negroes & Cattle & Trade did not amount to above three hundred & fifty pounds, soe that we were over taxt One Thousand and Four hundred pounds.

The fourth assembly taxt us at a Lump four hundred & thirty seven pounds tenn shillings which is at least ¾ over and above our just due if wee had been so happy to be treated as the rest of the Inhabitants of this Island which is above Three hundred pounds extrodinary soe that summing up all the four taxes amounts to this poor nation (who not surpassing Eighty persons including Married men, Batchelors, Widows & the poor maintained upon Charity) amounts to Three thousand four hundred & fifty pounds over and above & besides paying as the rest of the Inhabitants. Notwithstanding alwayes from the first designe that these Assemblys did comence with these Taxations wee constantly made our application to your Excelly. and the Assembly, with our patents of denization & Naturalization by virtue of which we become as naturall, borne subjects, and hoped to enjoy the same Freedome and privileges without any particularization whatsoever.

At the meeting of the first of the four last Assemblys they sent to two of the Jews with threats obleidged them to nominate twelve persons of the Jews to be the assessors of the Jewish nation which out of fear they gave in their names without the knowledge, Intent or desire of the Jewish nation.

In the fifth Assembly they intended to tax us Five thousand two hundred & fifty pounds but being dissolved wee were soe happy that this tax tooke no effect otherwise this would have concluded the utter ruine & destruction of all our poor nation.

And as to our being obliged to bear arms on our Sabbath and holydays as in late yeares has been by Comand of some perticular officers without any necessity or urgent occasion (which is quite contrary to our religion unless case of necessity where an Enemy is in sight or apprehension of being near us) on which we have allways been ready all which have been the motives & reasons that wee have made our application to his Majtie humbly praying releife and protection to our just grievances, and that we may enjoy the priviledges as by the favour of our letters patents and denization doth allow us which indeed was sufficient when any infringement of priviledges was designed against us, except the four last acts.

Now looking upon your Excelly the onely protector and recourse wee have in this Island under the happy Government of his most Excellent Majestye wee humbly pray your Excellency will please to represent our hard fate that wee have laboured under, that for the future wee may be soe happy to find your Excelly's Clemency towards us, who as in all duty are bound to pray &ca.

Jamca: Ss. Upon receipt from yr Lordships of the Coppy of ye Memorial presented to his Majtie: in behalfe of the Jews of this Island by the Baron de Belmonte, I sent to some of the Cheifest of yt. nation and shewed them the said Memorial & bid them put into writing the reason they had to make such application to his Majtie by the said Baron de Belmonte which they have done & I now transmit to your Lordships.

What they say about being so Taxed by the Assemblys they mention as truth and had the Act gone forward in the Last Assembly for making reparacons to the Sufferings in the late Warr it would have amounted to such a Sume yt their part there would not have been extravegant.

But to trace all from the Original their first Introduction into this Island was on condition that they should settle and plant which they doe not there being butt one considerable and two or three small Settlements of the Jews in all the Island but their Imployment is generally keeping of Shops and Merchandizing by the first of which they have so Ingrost that Imployment and by their Parsimoniouse living (which I doe not charge as a fault in them) they have thereby means of Underselling the English that they cannot many of them follow that Imployment nor can they in reason put their children to the Jews to be trained up in that profession by which the English Nation thincke they suffer much both in their owne advantages and what may be made to their Children hereafter.

And it is well knowne that in time past the Jews made it their request that they might on any occasion be taxed by the Lump and the Reason they gave and which was obvious to and prevalent on the English was because they being a people distinct from the English knew one another's circumstances and abilities better than the English could and therefore the more likely to doe right to one another as well as to take of the jealousie of Partiality had particularly Taxed in the Parishes where they dwelt as the English are but of late they have desired otherwise because they fall out in their Taxing one another.

For these reasons the Assemblys have alwayes when Publick money was to be raised thought it but reasonable that the Jews who in the opinion of the Assemblys eats out the English in Trade and get it very much into their own hand & thereby the Profits and Advantages that might be made by the retaileing Trade to the English Nation have thought it but Just that they should pay something in proportion more than the English and what they propose in those Cases of Money is not to be contradicted by the Gov: and Councill least thereby the whole Bill may fall—

As for their bearing Armes it must be owned that when any Publick Occasion has happened or an enemy appeared they have been ready & behaved themselves very well but for their being called into Armes in private times & that have happened on their Sabbath or Festivalls they have been generally excused by their Officers unless by their Obstinacy & Ill language they have provoked them to the contrary the Law of this Country without regard to the Jews or any other giving power to the Officers to call all Men into Armes when there is thought occasion for it.

It is likewise too plaine that the meaner sort of that Nation buy anything from our Negroes by which they Encourage them to Steale from their Masters or any else that they may sell it to the Jews to make money to buy Drinke or to play with one another by which many Evills happen both to the Negroes and their Owners and altho' this has been Endeavoured to be hindered yet a way could never be found to prevent it this Trade being driven on most at Night or Sundays when people are at Church &

hereby the Ignorance of the Negroes gives Advantage to the jews to buy any thing from them for a very small Value & much under its real worth which the sooner setts them on to Stealing of more—

To which also may be added that they are not at the trouble and charges of any civill or Military offices (which are great here there being no pay or allowance for them) Except a Constable sometimes where the Poundage Money for the Taxes pays their expence of their time nor are their taxes (considering the great Stocks they have in Trade) more in proportion then a Poor Planter that is in Debt & labours hard to clear himselfe besides they are entred much into the wholesale Trade and many English Merchants Consign their goods to the Jews here which is a great discouragement to ye English Factors.

This is the Truth of the present State of the Nation of the Jews here where if any Taxes be laid upon them which they doe not like its for the Consideracon aforesaid & by the Assemblys who often resent it nor is it in ye Power of the Governor: & Councill to contradict them in raising of Money which they will do as they please or not at all tho' never so great occasion or Necessity for it.

All which is most humbly submitted.

FRANK CUNDALL.

MISCELLANY.

Connecticut 1659-60
November 9th.

David, the Jew, for entering houses and trading with children for provisions when their parents were absent is fined 20/ (Felt, "Ecclesiastical History of New England," vol. ii, p. 265.)

Pedro Menendez *de a vilés* expedition undertaken to make conquest of Florida under the *asiento* dated March 20, 1565. He was especially enjoined to see that none of his colonists were contaminated by heresy, and that there were no Jews, Moors or Marranos among them.

(An item taken from W. Lowery, "The Spanish Settlements within the Present Limits of the United States," p. 143; Ruidiaz, *La Florida,* vol. ii, p. 418.)

In the valuations of property in New York in 1674, pursuant to a second order of the governor-general, the following was the only Jew out of sixty-two names and his valuation was as follows:

Asser Levy 2500 florins (Holland currency).

("Colonial Documents of New York," vol. ii, pp. 699, 700.)

LEE M. FRIEDMAN.

NECROLOGY.

Israel Abrahams.

Israel Abrahams died on October 6, 1925, aged 67. His special characteristics were the width and profundity of his scholarship, his interest in living religious problems (he was one of the foremost champions of Liberal Judaism in England), and the beauty of his character. He was Reader in Talmudic at the University of Cambridge, and easily the first English-born Rabbinic scholar in England. His "Studies in Pharisaism and the Gospels"—series i, 1917; series ii, 1924—is unquestionably his greatest work. But he was a much bigger man than his writings, and a variety of circumstances brought it about that, though he wrote a great deal which was of value, he did not produce many big books. Rabbinic literature was only one of the many branches of Jewish learning with which he was familiar. His range was prodigious. Jewish literature of all sorts, Jewish history of all periods, Jewish poetry, Jewish mysticism; he was everywhere at home. Perhaps in a necrology for an historical society it should be mentioned that he took an active share in founding the Jewish Historical Society of England, that he did much work for it, that he wrote a classic entitled "Jewish Life in the Middle Ages," that he contributed several notes to the American Historical Society, and that his last book, one in the series of the Schweich Lectures of the British Academy (1922), published posthumously (1927), is on "Campaigns in Palestine from Alexander the Great." But the great point about Abrahams' Jewish learning is that it was so lightly borne, that it was combined with so much other general knowledge, that it was never whimsical or paradoxical, that it never lost the wood among the trees, that it was touched and illumined by human-

ism. Sanday, the great Christian theologian, said of his first series of "Studies,"

> the writer is above all things a humanist, and that in a field where in the past humanism has been too much wanting.

He loved to show to others the best in his own religion and in its various heroes, sages, poets and thinkers, but never at the expense of truth. He could appreciate Jesus and Paul no less than Hillel and Akiba. As he says of himself, he was a lover of flowers and not of weeds, whether in his own religion or in the religion of others. And he grew. He was a fuller and a wiser man at 60 than at 50. He was a fine teacher, and many are those who are grateful for his teaching and his help, both Christians and Jews. Before him any lingering prejudices rapidly died away. He was immensely appreciative of the learning and the excellences of others, and exceedingly modest and sceptical about his own. He had close friends among many sorts of men, both Jews and Christians. He could sympathise with, and understand, many different religious beliefs; yet he had strong and definite beliefs of his own. For, though he was one of the best and finest exponents of Rabbinic Judaism—one of its most sympathetic and illuminating defenders—he became more and more definitely convinced of the need, the truth, and the greatness, of Liberal Judaism. But even in controversy, in which, in the storms which accompanied the foundation and development of the Jewish Religious Union and the Liberal Jewish Synagogue of London, he had occasionally to take part, his words, though clear and decisive, rarely or never gave offence. He was indeed a wonderful combination, and scholarship, theology, history, Judaism and Liberal Judaism, all lament his loss. We shall hardly in our day see his like again.

C. G. M.

Abraham G. Becker.

Abraham G. Becker was born in Warsaw, Ohio, September 21, 1857, and died in Chicago, Illinois, May 14, 1925. At the

time of his death, Mr. Becker was the president of A. G. Becker & Company, a leading investment banking firm, a director of a number of important corporations and banks, trustee of the Art Institute of Chicago, the Orchestral Association of Chicago, the Jewish Charities of Chicago and Sinai Temple.

A national figure among investment bankers, head of a highly successful firm founded by him, a conspicuous man of honor in the business world, A. G. Becker will be remembered as a splendid exponent of true citizenship, civic interest and social justice. His success in the field of finance, great as it was, is overshadowed by his contribution to mankind in the unselfish and useful life of service to his fellow man. The Art Institute of Chicago, the Symphony Orchestra, his manifold civic, educational, religious and philanthropic activities meant more to him than his highly important business affairs.

All community efforts of a civic, social and philanthropic character attracted his interest and support. Without neglecting any of the activities of merit he considered the needs of the Jewish community his special charge. His forceful, though gentle and inspiring, personality was a tower of strength in the development and the functioning of the Jewish Charities of Chicago, of which he was a trustee from its inception, having occupied every position of responsibility on the board, including the presidency.

From the moment of the first cry for help from the war-stricken areas in south-eastern Europe up to his end he gave unstintingly of his purse and time for the relief of his suffering brethren abroad.

The World War accentuated his intense patriotism and devotion to his country's cause. Every undertaking to facilitate the conduct of the war had his enthusiastic support.

It is futile to attempt a description of all his accomplishments and of his noble life. He was willing to follow, but was forced to lead. A man of unusual ability, rare appreciation of

the finer and nobler things in life, a hater of sham and dishonesty, an outspoken advocate of truth, a generous, kind and thinking dispenser of philanthropy, Abraham G. Becker is adored by countless hundreds who had the privilege of knowing him.

Henry Berkowitz.

Henry Berkowitz was born at Pittsburgh, Pa., March 18, 1857. He graduated from the Pittsburgh Central High School, 1872, and attended Cornell University, 1872-73. He graduated from the University of Cincinnati, 1881, and the Hebrew Union College, 1883. He held the positions of Rabbi at Sha'are Shamayim Congregation, Mobile, Alabama, 1883-88; B'nai Jehuda, Kansas City, Mo., 1889-92; Rodeph Shalom Congregation, Philadelphia, December, 1892, to his death. He was a member of the first or pioneer class of the Hebrew Union College, and the first of the alumni to be appointed as a member of the board of governors.

He was a member of the publication committee of the Jewish Publication Society of America since 1893. He was one of the founders and the first secretary of the Central Conference of American Rabbis, 1889.

While in Mobile he instituted the humane movement for the protection of children and animals from cruelty. While in Kansas City he organized the first bureau of charities.

In 1893 he called into being the Jewish Chautauqua Society, of which he became the chancellor. He travelled extensively, lecturing, organizing and conducting Chautauqua assemblies in all parts of the United States.

In Philadelphia he was a leader in the communal movements of the Jewish people—religious, educational and charitable. He held many appointments on important civic committees such as founders' day, child welfare, the playgrounds association, of which he was vice-president since its organiza-

tion. He was elected a member of the Board of Recreation of Philadelphia in 1915.

In 1912 he was appointed by the Mayor a member of the vice commission of Philadelphia, making an official visit during the summer of 1912 to England, Scotland, Norway, Sweden, Denmark and Germany, and presenting an important report embodying the results of his investigations.

The published works of Dr. Berkowitz are: "Bible Ethics," 1883; "First Union Hebrew Reader," and "Second Hebrew Reader," 1883; "Judaism and the Social Question," 1888; "The Pulpit Message"—beginning in 1892 and being occasional lectures, sermons and addresses; "The Open Bible," 1896; a guide to reading the scriptures; "Kiddush Sabbath Sentiment in the Home," illustrated, 1898; "The New Education in Religion," 1913. He contributed many papers to the Jewish and secular journals. He was elected emeritus rabbi of Rodeph Shalom, 1921. He died February 7, 1924.

In 1883 he was married to Flora Brunn. His two children are Mrs. E. J. Reefer and Max E. Berkowitz, of Philadelphia.

CHARLES EDWIN FOX.

ARNOLD W. BRUNNER.

Through the death of Arnold W. Brunner, the Jewish community loses one of its finest architects and one of its most refined characters.

His breadth of vision and his excellent taste helped him to understand problems of every type. Loyal to the core, he could throw himself with fervor into the frame of mind of a proud citizen erecting a public building, be it for educational purposes, for the relief of suffering humanity, or for the recreation of the masses. I do not know of any other architect whose record is as many-sided as Mr. Brunner's, which includes the construction of the most beautiful private homes,

school buildings, playgrounds, stadiums, university buildings, state capitols, synagogues, temples, halls for music, etc. Perhaps it was not an accident that one of the last problems to which he applied himself with patriotic devotion, before his untimely death, was the hall at West Point.

The larger the scheme and the wider the field of influence his buildings might embrace, the deeper would be his interest and the more patient and understanding would he be in his desire to do justice to all details. I have seen him brood over the plans of the library of a professor of research. I have heard him inquire about the requirements of certain technical schools. I have seen him labor over the details of a hospital in order to avoid the stretching of an arm by a patient, or to dim the light which might annoy a sufferer. I have seen him change the plans of a whole structure in his desire to shift the situation of a building so as to catch the sunshine for a quarter of an hour longer.

He was never satisfied with his first plans, changing them untiringly to make them more beautiful and more fitting. His deeply sensitive nature, like that of Rembrandt, was so free from any conceit and arrogance that he would improve and improve on his drawings and designs even though his employers were perfectly satisfied with the sketches which they had seen. I am quite sure he only took the trouble he did with them to satisfy himself.

His loyalty to the city made him spend hours and hours on schemes of city planning, without a thought of remuneration. His loyalty to his religion made him take special pride in institutions of education and higher Jewish learning. His pride in his beloved United States made him put forth his greatest efforts for the public buildings which the Government commissioned him to erect.

I have spoken of his humility, his kindliness and his loyalty. His feeling for his friends was most touching, and many an artist in the field of music, literature and drama,

has felt his warm handshake and encouraging, cordial support in blue hours such as every artist must go through. I cannot think of a single intrigue, disagreement or unfair act which was ever laid at his door. Is it any wonder that he was beloved, and his untimely death mourned by so many?

FELIX M. WARBURG.

CHARLES J. COHEN.

Charles Joseph Cohen was born in Philadelphia, Pa., September 21, 1847, and died in Atlantic City, N. J., September 17, 1927, within a few days of his eightieth birthday. His family originated from Westphalia, Germany, his great-grandfather, Joseph Cohen, having been born there in 1746. In 1763 he emigrated to the United States, living in Philadelphia and Lancaster, Pa., and settling in Charleston, S. C. He returned to England, where Henry Cohen, the father of Charles, was born in 1810. Henry Cohen came to America in 1843, went on a visit to England in 1844, marrying Matilda Samuel of Liverpool, and returned to Philadelphia, where Charles was born, Rebecca Gratz acting as his godmother.

Charles J. Cohen received his education partly in England and largely at the Faires Classical Institute in Philadelphia. At the age of twenty-one he entered his father's firm, engaged in the manufacture of envelopes, which he continued to the end of his life. In 1880 he married Miss Clothilde Florence Cohen, by whom he had three children, two of whom survive.

He was a devoted member of many organizations and held office in quite a number. Among the Jewish organizations with which he was closely connected are the Mikve Israel Congregation, of which he was president for a good many years; the board of trustees of Gratz College; president for a time of the Young Men's Hebrew Association of Philadelphia.

He was president of the Numismatic and Antiquarian Society of Philadelphia, 1898-1920; president of the Philadelphia Chamber of Commerce, 1913-1916; trustee of the Fairmount Park Art Association in 1877 and its president from 1916 on; president of the Philadelphia Fountain Society from 1923 on; and a member of the Executive Council of the American Jewish Historical Society.

Aside from his business and his devotion to religion, Mr. Cohen's interests were in the direction of history and art. He published several volumes, devoted to the local history of Philadelphia, the most considerable being his history of the Faires Classical Institute, in which he had been a pupil; also of Rittenhouse Square, one of the old residential sections of Philadelphia; a history of the Penn Club, a famous Club in Philadelphia, and numerous papers on historical and Jewish subjects.

In the American Jewish Historical Society he was deeply interested and attended its meetings and any duties imposed upon him with the greatest exactness. Mr. Cohen was kindly, considerate, without thought of self, a man of true humility. Yet he conducted himself with great dignity and was a fine example of the high minded and polished gentleman.

CYRUS ADLER.

MARCUS FEINGOLD.

Dr. Feingold was born in Botosani, Roumania, July 17, 1871. He graduated in medicine from the University of Vienna in 1896. In 1897 he came to New Orleans to join his parents, who had been living there for a number of years but had left him at school in Europe. In 1906 he became professor of ophthalmology in Tulane University, holding the chair until his death. He was a member of the board of ophthalmic examiners of the American Academy of Ophthalmology and

Oto-Laryngology. He was chairman of the medical staff of Touro Infirmary and Charity Hospital of New Orleans. Dr. Feingold was chairman of the section of ophthalmology of the American Medical Association, 1924-1925. In 1904 Dr. Feingold married Bertha Loewenberg of New Orleans and has one child, Rose Evelyn. According to his wishes, his library went to Tulane University and his instruments to the Touro Infirmary and Charity Hospital of New Orleans. Dr. Feingold was a contributor to the *American Journal of Ophthalmology*. He died December 26, 1925.

Samuel Fleischman.

Samuel Fleischman, lawyer and communal worker, was born in Albany, New York, November 26, 1856, and after admission to the bar moved to New York City in 1877, where he was an esteemed and able practitioner until his sudden death through heart failure, May 26, 1924. Besides being imbued with the highest standards of professional and ethical conduct, he took a deep and active interest in Judaism and Jewish affairs, particularly as an indefatigable official of the Independent Order B'nai B'rith and in Temples Emanu-El and Bethel-El of New York City. A man of fine education and culture, he brought judgment and scholarship to bear upon everything he undertook, both in law and Jewish communal affairs. He was for many years a member of the Association of the Bar of the City of New York, and was counsel for several trade associations. March 26, 1912, with the aid of the late Daniel P. Hays, Dr. Stephen S. Wise, former Judges Greenbaum, Leventritt and Wm. N. Cohen, Dr. M. H. Harris, Capt. N. Taylor Phillips and the writer, he took the lead in successfully opposing the incorporation of the New York Jewish Community before the New York State Assembly, as ill-advised, unauthorized and a violation of the principle of

separation of church and state, as no such organization, it was argued, could or should be authorized to speak for all the Jews of New York on almost every conceivable subject, such as the then proposed act of incorporation contemplated. These objections were outlined in *The American Israelite,* May 16, 1912, and other Jewish papers. When in a subsequent year the proposed incorporators changed the name of the proposed organization to *Kehilla,* a term not apt to be thus misunderstood by non-Jews, and materially limited their avowed purposes. Samuel Fleischman and his associates ceased actively to oppose the movement, though on principle they declined to identify themselves with it. During the last decade of his life, he devoted his time mainly to a study of the conditions preventing world peace, and devised a plan whereby international peace might be made possible, which was published in pamphlet form shortly before his death with the title: "A Plan for World Peace, Based on a Permanent World Conference." It attracted wide attention. Jewish history and literature always had a strong appeal for him, and he was an early member and supporter of this Society, of the Jewish Publication Society of America, and of numerous other organizations, Jewish and non-Jewish, besides those specifically named, aiming at the intellectual and ethical improvement of his fellow-men.

MAX J. KOHLER.

FLORENCE NIGHTINGALE KNIGHT HARRIS.

Florence Nightingale Knight Harris was born at Tottenville, Staten Island, October 6, 1872.

She was the daughter of Emanuel and Sarah Micholl Knight. Her maternal grandfather, Morland Micholl, from Chesham, England, was one of New York's early merchants. Her great-grandfather, Aaron Soria (father of Morland

Micholl's wife, Rebecca) was born of an old Sephardic family in Bordeaux, 1762. He came to New York from Santo Domingo about the year 1805, and died there in 1852 at the age of about ninety years. He introduced into the United States new developments in the art of dyeing. On the paternal side, her grandfather, Jacob Knight, fought under the first Napoleon as a member of his field-staff.

Mrs. Harris received her early education at the Reed School in New York. She was a resident of the city until her death, August 3, 1925. She is survived by her husband, S. Marcus Harris, her son E. Knight Harris, her daughter, Elsie, the wife of Gustave S. Duschnes, and a grandson.

For many years Mrs. Harris served either as a trustee or as treasurer, and more recently as one of the vice-presidents, of the Professional Women's League, an office which she held when she died. This society, made up largely of Christian membership, a few years ago celebrated her twenty-five years of service in its behalf by the unique distinction of tendering a banquet in her honor.

Mrs. Harris filled the position in the New York League of Women Voters of chairman of a district. Prior to the passage of the woman-suffrage amendment she had long worked assiduously in this cause. She served as treasurer of the auxiliary society of the Washington Heights Hospital, and as a trustee of the Stage Children's Fund. Some other organizations in which she was actively interested are the New York Theatre Club, the Emanu-El Sisterhood, the New York section of the Council of Jewish Women, the American Red Cross, the Verdi Club, the Jewish Theological Seminary of America, the Volta Bureau of Washington, the National Geographic Society, the Federation for the Support of Jewish Philanthropic Societies, the New York City Federation of Women's Clubs, and the American Jewish Historical Society.

She was a devout Jewess, adhering to the orthodox traditions of the Spanish and Portuguese Congregation Shearith

Israel, to which synagogue, too, the Soria branch of her family had belonged in previous generations. She numbered among her many friends Christian and Jews alike, and it was one of the former who, in a published memorial, when referring to her unswerving loyalty to the faith of Israel, added these significant words: "Fidelity was the key-note of her life."

D. de Sola Pool.

Lilian H. Hendricks.

Lilian Henry Hendricks, born in New York City, December 27, 1858, was the daughter of Henry S. Henry and Justina L. Hendricks. Her father was born in England and came to New York as a young man, there engaging in business. Her mother, Justina L. Hendricks, was the daughter of Henry Hendricks and Harriet Tobias, grand-daughter of Harmon Hendricks and Frances Isaacs and great-grand-daughter of Uriah Hendricks and Esther Gomez.

The Hendricks family, according to tradition, went from Holland to England when Oliver Cromwell gave permission to the Jews to return to England. Uriah, the son of Aaron Hendricks, the founder of the family in America, came to New York from London in 1755. His son, Harmon Hendricks, the great-grandfather of Lilian H. Hendricks, established the first copper rolling mill in this country. He was the leading Jewish philanthropist of his day in New York City. Henry Hendricks, the next in line, the grandfather of Lilian H. Hendricks, though an active member of Congregation Shearith Israel, as all the family have been, was chosen to give the dedication address at the opening of the first synagogue of Congregation B'nai Jeshurun in New York, June 30, 1827. He was a graduate of Columbia University and an incorporator of Mt. Sinai Hospital. For over a century and a half the Hendricks family has been closely identified with New York City

Jewry and more especially with the Spanish and Portuguese Congregation Shearith Israel. Lilian Henry, who married Edgar Hendricks, her cousin, continued this tradition of warm and generous interest in this congregation and its activities.

She was a faithful and regular attendant at the synagogue services. From the beginning of the organization of the sisterhood of the congregation she was actively interested in its work, serving at various times as chairman of its day nursery committee, its treasurer, and first vice-president. She was a director of the Columbia Religious and Industrial School for Girls. During the war she gave active service to the American Red Cross. She never failed to give of her means and of herself whenever there was a call for service to which she was able to respond. Her interest in American Jewish history arose naturally out of her family traditions, and out of her reverent and loyal sense of conservation of Jewish traditions. She is survived by her only son, Henry S. Hendricks, the treasurer of the American Jewish Historical Society.

Those who knew her will always remember with happiness her rich individuality and her strength of character wedded to a rare gentleness of manner. With her death, October 5, 1925, there passed away one who lives in the memory of her many friends as a devoted Jewess and a beloved personality.

D. de Sola Pool.

H. S. Q. Henriques.

Henry Straus Quixano Henriques, K. C., a past president of the Jewish Historical Society of England and a corresponding member of the American Jewish Historical Society, was born on November 8, 1866, and died on November 12, 1925. He belonged to a distinguished Marrano family and his grandfather and other members of his family had acquired wealth as West Indian traders, more particularly in Jamaica.

A native of Manchester he was trained at the Manchester Grammar School, whence he proceeded to Worcester College, Oxford, where he obtained high degrees in moderations and finals, especially in law.

In 1891 he gained one of the chief university distinctions, the Vinerian law scholarship. He entered the Inner Temple and gained a common law scholarship in the following year. He had a successful career at the Bar, originally on the Northern Circuit and, in 1921, was appointed K. C. He acted occasionally as examiner in law in the University of Oxford and for the joint board of Inns of Court. Although a sound and learned lawyer his special claim to distinction is for his communal work.

He succeeded another legal luminary, David Alexander, K. C., as president of the Jewish Board of Deputies, and his urbane manner, competent knowledge of affairs and true sincerity retained for him the affection and respect of that somewhat turbulent assembly notwithstanding that his views on Zionism were opposed to those of the majority.

As such president he alternated with the president of the Anglo-Jewish Association as chairman of the Joint Foreign Committee where his legal knowledge and acquaintance with both public and international law made him of great benefit.

In consequence of his position, he took a leading part in various congratulatory deputations to King Edward and King George and sometimes critical and even expostulatory deputations to Ministers of the Crown with regard to alien regulations and divorce.

He was treasurer, vice chairman, warden and finally chairman of the council of the West London Synagogue of British Jews. His last service to that congregation was a visit to the United States which resulted in the recommendation and ultimate election of Rev. Joel Blau as its rabbi.

On the Sunday before his death he advocated that rabbi's election at the meeting of seatholders and on the previous

Monday he first appeared on a Zionist platform, in order to welcome Sir Herbert Samuel on his return from Palestine.

But, it was by his books on Anglo-Jewish history that he earned himself a lasting memorial to his activities. As a member of the executive committee of the Grotius Society and the International Law Association his general legal scholarship was exercised for the good of the general public and he collaborated with Lord Halsbury in writing on ecclesiastical law in that veteran Chancellor's "Laws of England."

He read various papers before the Jewish Historical Society of England which were afterwards expanded into his works on "Jews and the English Law," "The Law of Aliens and Naturalization," "Jewish Marriages and the English Law," and "The Return of the Jews to England."

His wife predeceased him in 1922 and he left a son and a daughter, the former a solicitor.

E. N. A.

Samuel A. Hirsch.

In his eighty-first year, after a life devoted to the furtherance of Jewish learning, Samuel A. Hirsch died in October, 1923.

Born in Holland, in his early years he studied in Berlin and elsewhere and, after considerable teaching experience in Central Europe, came to London as a private teacher.

In 1890, he became theological teacher at Jews' College and held this post from 1890 to 1912 when, on his retirement, he was appointed emeritus professor.

As a lecturer and teacher he was profound and energetic and he will long be remembered by his pupils not only for the depth of his Rabbinic knowledge but also for the extent of his general scholarship. He had a wide knowledge of Greek and Latin literature and more than a working knowledge of the literature of half a dozen European languages.

Several volumes of his essays have been published throughout which there is striking evidence no less of his breadth of knowledge than his deep scholarship. The novelists of the nineteenth century were as familiar to him as the rabbis. He was a recognised authority on Roger Bacon, his best known work on this subject possibly being his essay "Early English Hebraists: Roger Bacon and his predecessors." When a statue to Roger Bacon was unveiled at Oxford he was the guest of the University at an official luncheon given to celebrate the occasion.

Soon after his coming to London, Dr. Hirsch was asked to edit the *Jewish Standard*. As director of this paper, Dr. Hirsch staunchly supported the orthodox view of Judaism and, though the paper has long since ceased to appear, it will be remembered mainly for Dr. Hirsch's exposition of his outlook, for the humour, caustic though it was, with which he expressed his opinions and for the high literary standard which he enabled the paper to maintain.

Dr. Hirsch was also a *Chovevi* Zionist and acted as secretary of the movement. When the *Chovevi* movement was forced to adopt a definite attitude towards Dr. Herzl's larger organisation, he acted as spokesman of the older body and was responsible for many communications to the English Jewish press on the subject. In 1898, when the English Zionist Federation was formed under the influence of Dr. Herzl, Dr. Hirsch spoke at the earliest meetings but subsequently refused to join the new movement.

He was a man passionately attached to Judaism and deeply learned in Rabbinics and *Torah*. But, he was at the same time a man of wide general culture and consequently did not fail, as perhaps too many Jewish scholars have done, to earn the due respect of the outside world, by reason of too limited a knowledge of non-Jewish literature and non-Jewish affairs. He had a potent personality and, as professor at Jews' College, exercised a notable influence on English Jewish ministers of

religion during his tenure of that office. His figure and mentality will be missed among the English Jewish community.

ELKAN N. ADLER.

ABRAM SAMUEL ISAACS.

In the passing away, at Paterson, N. J., December 22, 1920, of Abram S. Isaacs, there was called to the Academy on high, one who gave loyal, courageous and honorable, albeit unobtrusive service to his country, to his people and to the world of letters. Abram S. Isaacs was born to Samuel M. and Jane Symmons, in New York, August 30, 1851. His father had been called from England some twelve years earlier to minister to the then Elm Street Synagogue. It was in a home where modesty, reverence and culture prevailed that Abram S. Isaacs received his early training. While at school he was distinguished by both his modesty and diligence. His love of learning made the task of acquisition easy. During his student days at New York University he consistently maintained a remarkable standard of excellence, graduating in 1871 with the degree of A. B. After receiving the A. M. degree in 1874, he went to Germany, where he spent three years in intensive graduate work at the University of Breslau and at the Jewish Theological Seminary in the same city, having specialized in Semitics. Upon his return to New York he published his first book, "A Modern Hebrew Poet. The Life and Writings of Moses Chaim Luzzatto," 1878. The degree of Ph. D., *honoris causa,* was conferred upon him by his *alma mater* in 1878. In the same year he assumed the editorship of *The Jewish Messenger,* established in 1857, a position he filled with dignity and marked ability until 1903 when the periodical was merged with *The American Hebrew.*

For several decades Dr. Abram S. Isaacs was associated with the faculty of New York University as professor of

Hebrew, 1886-1894; professor of German, 1887-1895; professor of German Literature in the post-graduate department, 1895-1906; and since 1906 in charge of the department of Semitics. To his work at New York University he brought a wealth of learning. He was at home in the fields of many literatures, and loved their masterpieces in prose and poetry. A linguist, he delved into the classical literatures of all ages, which he made his own and which he quoted aptly in the class-room as well as in pulpit and press to point a moral. A scholar, he was at the same time a master of English. He wrote with ease and grace, so that even his scholarly researches were free from the stiffness commonly ascribed to the average professor's style. Among his works which have gained popular recognition and have gone through more than one edition are "Stories from the Rabbis" (1894), "Step by Step" (1910), "What is Judaism?" (1912), "Young Champion" (1913), "Under the Sabbath Lamp" (1919), and others. Many of his literary contributions are scattered in various American and European periodicals and encyclopaedic works. In 1906 he edited "The Old Guard and Other Addresses" by his brother, former Judge Myer S. Isaacs.

JOSHUA BLOCH.

ALFRED JARETZKI.

Alfred Jaretzki was born in New York City, August 7, 1861, and was educated in its public schools. After graduation from the College of the City of New York in 1878 he pursued his studies at Harvard University, where he was graduated in 1881 with high honors. In 1884 he completed his law studies at Columbia College Law School and entered the office of Sullivan & Cromwell as a clerk, becoming a member of the firm in 1894 and continuing as such until his death, March 14, 1925. The firm became one of the most important

in the country and his efforts contributed greatly to the maintenance of its high position. He was recognized as a lawyer of unusual ability and gained the confidence of the business community, as well as of the bench and bar. In the course of his practice he became the adviser of a number of the leading financial, commercial and railroad corporations of the country. His familiarity with business methods, coupled with his thorough training as a lawyer and his sound judgment, peculiarly qualified him to serve these great interests in the conduct of their extensive and complex affairs. This made him a factor in the reorganization of a number of prominent railroad and industrial corporations. He was chosen not only as counsel but also as a director of a large number of corporations of national and international scope. He was likewise selected as the executor and trustee of large estates. He served as chairman of the executive committee of the Association of the Bar of the City of New York and as a member of the committee on legislation of the New York County Lawyers' Association. He was universally respected by the members of his profession and by the community in which he spent his life. Mr. Jaretzki was likewise active in philanthropic endeavors. He was a trustee of the Mount Sinai Hospital, a director of the Baron de Hirsch Fund, and for many years an officer of the Jewish Agricultural and Industrial Aid Society, whose constructive work commanded his best efforts. He maintained the finest standards of the legal profession. He was honorable and upright in all his dealings. Simplicity and modesty characterized all his acts. He had hosts of friends, not only among those with whom he became associated during his busy life, but especially among those with whom he affiliated in his boyhood and during his school-days. His interests were not confined to his chosen vocation, but he concerned himself with many public problems and with civic affairs, unobtrusively but effectively. He was married in 1890 to Miss Tillie Shire, of New York, who survives him

with a son, Alfred Jaretzki, Jr., and two daughters, Mrs. Eustace Seligman and Mrs. Morris W. Cooper.

LOUIS MARSHALL.

KAUFMANN KOHLER.

Kaufmann Kohler was born in Furth, Bavaria, May 10, 1843. His parents were Moritz and Babette Lowenmeyer Kohler, whose oldest child he was. He was descended from rabbinical stock, the most celebrated of these rabbinical ancestors having been David ben Joel Dispeck, rabbi of Metz, the great-grandfather of his mother. His pious parents dedicated the talented child to the service of the Lord. A succession of rabbinical teachers superintended his education, among them Dr. M. Lehmann, rabbi of Mayence and Rabbi Jacob Ettlinger, the head of the *Yeshiba* at Altona. During this period he pursued secular studies privately but in 1862 he entered the *gymnasium* at Frankfort-on-the-Main where he remained one year and a half. At this time he continued his rabbinical studies under the guidance of that pillar of orthodoxy, Rabbi Samson Raphael Hirsch, the leader of orthodox Judaism in the Germany of that day.

The tug of the modern spirit however was too strong to be resisted and the young disciple of Samson Raphael Hirsch succumbed to its pull. Abraham Geiger, the great reform leader who was stationed also at Frankfort, exercised an irresistible attraction upon the youth and Kohler made almost a complete *volteface* from the orthodox traditionalism represented by Hirsch to the radical modernism represented by Geiger. He left Frankfort for Munich, at the university of which city he studied during the academic year 1864-1865; thereafter he attended the University of Berlin for two years and a half, after which time he studied at the University of Erlangen from which institution he received the degree of

doctor of philosophy, November 13, 1867. His thesis, *Der Segen Jacob's,* demonstrated how far he had travelled from the orthodoxy of his whilom teacher, Samson Raphael Hirsch. His radical treatment of the forty-ninth chapter of Genesis alienated Hirsch completely. It soon became apparent that there was no position open for the young iconoclast in Germany. He therefore turned his eyes to the United States. Abraham Geiger with whose liberal attitude he had now thoroughly allied himself, bestirred himself to secure a position for his young friend in this country. Receiving a call from the Beth-El Congregation of Detroit, Michigan, the young theologian left his native land and arrived in New York, 1869. He served as rabbi of the Detroit congregation until 1871; 1871-1879 he was the spiritual leader of Sinai Congregation, Chicago. In the latter year he assumed charge of Beth-El Congregation, New York, as the successor of his father-in-law, Dr. David Einhorn. He remained at this post until 1903, when he was called to the presidency of the Hebrew Union College, which office he filled until 1922, when he retired and became president emeritus of the institution until his death.

By general consent Kohler was regarded as the leader of liberal Judaism in the United States. His *magnum opus* first published in German and later in English translation under the title, "Jewish Theology Systematically and Historically Considered," is easily the standard book on the subject.

Kohler was a prolific writer and contributed largely to journals and magazines in Germany and the United States. He was a member of the board of editors of "The Jewish Encyclopedia," being the head of the department of theology and philosophy. Many of the articles in this department emanated from his pen. He was a member of the classics committee of the Jewish Publication Society of America and of its committee on commentaries. He served as a member of the board of editors of the English translation of the Bible

issued by the Jewish Publication Society of America and the Central Conference of American Rabbis. He was a member of the board of editors of the *Hebrew Union College Annual.* He was a member of the ritual committee of the Central Conference of American Rabbis that prepared the *Union Prayer Book* as well as of the committee that revised the prayer book twenty-five years later. In all these responsible positions he performed yeoman's service through his great learning.

Kohler held a most distinguished place in American Jewry. For more than a score of years he was honorary president of the Central Conference of American Rabbis of which organization he was the Nestor. On the occasion of his seventieth birthday his colleagues published a Kohler *Festschrift* entitled "Studies in Jewish Literature," which contained contributions from the pens of eminent scholars in the United States and in Europe.

Despite advancing age he remained active in a literary way. Shortly before his eightieth birthday he published his last book entitled "Heaven and Hell in Comparative Religion" (New York, 1923). The last contribution from his pen appeared in the *Hebrew Union College, Jubilee Volume,* October, 1925, entitled, "The Hebrew Union College of Yesterday and a Great Desideratum in Its Curriculum Today."

The writer may well conclude with the tribute he paid to his distinguished friend and colleague, when the final summons had called him from earth, January 28, 1926.

Kaufmann Kohler was the leading theologian of liberal Judaism in the United States. His interpretation of Judaism as a universal religion adaptable to changing times and circumstances found classical expression in his fine book on Jewish theology. He was a keen thinker and a lofty spirit. He has earned a place among the immortals in American Jewry's Hall of Fame. He stands in the direct line of succession to the great reformers Abraham Geiger and David Einhorn. His name is linked for all time with that of Isaac M. Wise, the foremost of American rabbis whom he succeeded as president of the Hebrew Union College.

Dr. Kohler is survived by his widow Johanna Einhorn Kohler, two sons, Max J. and Edgar J., and two daughters, Rose and Lili.

DAVID PHILIPSON.

LEE KOHNS.

Lee Kohns died January 18, 1927, in his sixty-third year. Although he had never held, nor been candidate for, public office, he devoted a large portion of his time, energy and ability to public and semi-public matters. Primarily a business man, and a successful one, he did much more than merely to attend to his own personal business, he was always alive to, and keenly interested in, any movement which would improve civic conditions and tend to give greater opportunities to the mass of the people. As a result, at the time of his death, he was first vice-president and chairman of the executive committee of the Educational Alliance, trustee of the Federation of Jewish Philanthropic Societies, trustee of the Andrew Freedman Home, trustee of the United Hospital Fund, and trustee of the College of the City of New York.

Lee Kohns was born in Columbus, Ga., September 1, 1864. His mother, Hermine Straus, was the daughter of Lazarus and Sara Straus. His father was Lazarus Kohns. Both his parents, his father directly and his mother indirectly, were of that group of liberty-loving German Jews who along with many other liberal Germans found that the harsh and autocratic government of '48 made life there unbearable and came to America, the land of opportunity and freedom, to start their life anew.

Lee Kohns' father built up a small business in Auburn, Ga., and Lazarus Straus, after running a general store in Talbotton, Ga., transferred his modestly successful business to Columbus, Ga. Shortly thereafter the Civil War with its

disastrous financial aftermath greatly depleted their small capital. They came to New York and, after paying off their pre-war debts, which, although of doubtful legal sanction were morally binding, started again in separate enterprises.

Lee Kohns was educated at Donai Institute and public school, and in 1884 graduated from the College of the City of New York. His father in the meantime had become a partner of L. Straus & Sons, founded by Lazarus Straus. Upon his graduation Lee Kohns entered the employ of this firm, and in 1892 became a partner with his grandfather, father, and uncles Isidor, Nathan and Oscar S. Straus. He remained a member of the firm, being for a long period managing partner, until his retirement in 1923. Through his interest in L. Straus & Sons he became a partner in Abraham & Straus, of Brooklyn, and later when it was incorporated became a director and vice-president. He was for many years, and at the time of his death, a director of the American Exchange-Irving Trust Company and the National Guaranty Insurance Co. He held at varying times the presidency of the New York Board of Trade & Transportation, and the presidency of the Crockery Board of Trade.

Lee Kohns' recognized integrity and business ability was such that he was offered the Fusion nomination for President of the Borough of Manhattan on the Gaynor ticket in 1909, which he declined, and again in 1918 he refused the office of Deputy Commissioner of Public Welfare. He also declined various public offices offered him by Presidents Cleveland and Roosevelt.

After the World War Lee Kohns, believing that a proper understanding of each other by the peoples of France and the United States was essential for the well-being of both countries, conceived the plan of establishing a chair of American literature and civilization at the Sorbonne (University of Paris). He accordingly endowed this chair which very properly was named for him. Although the plans for the estab-

lishment of this chair had been perfected less than a year before his death he saw the great enthusiasm among well-informed people in both countries, and that the work was about to start with every prospect of becoming a valuable contribution to international good-will.

While Lee Kohns' public and business life was successful, useful, well-rounded and filled much of his time, he had at the same time the happiest of home lives. On November 18, 1896, he married Clare E. Elfelt. They had three children, Robert Lee, Irene Dorothy, and Paul L., all of whom survive him.

Lee Kohns was a man whose outstanding quality was friendliness and ability to make friends. He was loved and esteemed by all who came in contact with him.

ROGER W. STRAUS.

MANUEL AUGUSTUS KURSHEEDT.

Manuel Augustus Kursheedt was born in New York City, August 14, 1840, and died in Bronxville, N. Y., October 30, 1923, in his eighty-fourth year.

His paternal grandfather was Israel Baer Kursheedt, born April 6, 1766, who took his family name from the village of Kursheidt, near Königswinter, Germany. Israel Baer Kursheedt studied in the *Yeshiba* of Rabbi Nathan Adler in Frankfurt, until the Napoleonic wars caused him first to become a contractor to the Prussian army, and finally drove him to seek his fortune in a more peaceful land. He arrived in Boston in 1796, but finding there only one Jew, Moses Michael Hays, he made his way to New York. There, principally because of his deep Hebrew learning, he became one of the leaders of the community during the remainder of his long life. He died in his eighty-seventh year, April 30, 1852. On January 18, 1804, he married Sarah Abigail, the oldest

daughter of Rev. Gershom Mendes Seixas, and had nine children. Among these were Asher, the father of Manuel A. Kursheedt, and Gershom, who, as one of the executors of Judah Touro, shared with Sir Moses Montefiore, both in England and in Palestine, in the work of founding and erecting the Touro alms-houses in Jerusalem.

Asher Kursheedt, a well known merchant in his day, was president of Congregation Shearith Israel in 1880, as his father Israel Baer Kursheedt had been before him seventy years earlier. Asher Kursheedt married Abigail Judah, only child of Manuel Judah and Grace Seixas, a daughter of Rev. Gershom Mendes Seixas by his second wife, so that Manuel A. Kursheedt was descended from Rev. Gershom Mendes Seixas both on his father's side and on his mother's side.

Manuel A. Kursheedt was the oldest of a family of twelve children, eleven of whom lived. He grew up in the circles of ease, refinement and Jewish loyalty which were characteristic of Congregation Shearith Israel in the middle of the nineteenth century. He was educated in the Free Academy, now the College of the City of New York, where he graduated A. B. in 1860 and A. M. in 1862. He studied law and became a member of the New York bar, but being of an unassuming nature, he never sought public office. His tastes were essentially literary, books supplying him with his principal interest outside of his legal practice.

Yet, he was ready to leave his fireside to serve his people. In his younger days he taught in the religious school of Congregation Shearith Israel taking great interest in its work and contributing generously of his time and services. When in the early eighties American Jewry was faced with the problem of extending a welcoming hand to the driven mass of Jewish immigrants who came flowing to these hospitable shores, Manuel A. Kursheedt gave himself generously and intelligently to their service. He served as secretary of the New York Hebrew Emigrant Aid Society, a committee which was

formed to meet this emergency, and in this capacity he showed energy and resourcefulness in coping with the crisis. He was a director of the United Hebrew Charities, of the Educational Alliance, secretary of the Hebrew Technical Institute, vice-president of the Aguilar Free Library, and president of the Y. M. H. A., a record of valuable community service at a critical transition moment in the history of the Jewish community of New York City.

With advancing years, he withdrew more and more from this communal work and, never having married, he gave himself up more and more to his beloved books. It is this trait of his character, coupled with the fact that he was of distinguished American ancestry reaching far back, which led him to take an interest in the American Jewish Historical Society. With his passing in the fulness of his days, there has been taken from us a quiet, gentlemanly, cultured Jew who, when the call came, gave himself to the cause of his people.

D. de Sola Pool.

Ephraim Lederer.

Ephraim Lederer was born in Philadelphia, January 24, 1862, and at an early age entered the Public school at 4th and Green Streets, later going to the Philadelphia High School from which he was graduated when sixteen years of age; he then entered as a law student the office of the late Judge F. Amedée Bregy, following this legal education by a two-year course in the Law School of the University of Pennsylvania, and was admitted to the Philadelphia bar in 1883.

Mr. Lederer always ranked well as a member of the bar, having established the highest ideals of a proper practise which brought him honor and the respect of both bench and bar. While following his profession with assiduity and care he

always found time for devotion to communal interests and became a potent factor in the conduct of many organizations contributing to the benefit and welfare of the community.

For thirty-five years he was secretary of the Philadelphia branch of the Jewish Theological Seminary; for many years he served as secretary of Dropsie College being a member of its board of governors. For almost forty years he was a director and solicitor of the Jewish Hospital Association of Philadelphia; during these years he gave to this institution the benefit of mature judgment, ripe experience and the closest attention to every part of the work; he was the first chairman of the committee on the Lucien Moss Home for Incurables and his kindliness and courtesy were in evidence in shaping the policies and solving the difficult problems in the opening of this new department. In his earlier years he was secretary of the Young Men's Hebrew Association, then a member of its board of directors, always interested in its welfare and growth, later being chosen vice-president and honorary director. He was a trustee of the Jewish Publication Society of America and of the Rothschild Memorial (Beth-El) Congregation, a member of the Pharisees, the Philadelphia Bar Association, the American Jewish Committee and a member of the Mikve Israel Congregation. He was chosen president of the Gratz College, an educational institution of great importance conducted by the Congregation Mikve Israel under a deed of trust created by the late Hyman Gratz; Mr. Lederer played an important part in the affairs of this institution filling the office for many years and giving to its duties an untiring and efficient devotion. Mr. Lederer was also a director of the Philadelphia branch of the *Alliance Israélite Universelle,* the alumni association of the Central High School and vice-president of the Hebrew Education Society.

Mr. Lederer was interested in good government and took an active part in the agitation for the election of men qualified to fill political positions; he became a national figure

and was so highly considered that during the presidency of the late Woodrow Wilson he was appointed Collector of Internal Revenue for the Eastern District of Pennsylvania. This position he held from 1913 to 1921 when he resigned to resume private practise. The fact that his intimate knowledge of law would be of assistance to him as a Collector in solving the perplexities of the Income Tax Administration was a potent factor advanced by Hon. Roland S. Morris, chairman of the state committee, in supporting the advocacy of the appointment; to the writer of this necrology Mr. Morris expressed himself in the highest terms of approval of Mr. Lederer's character and ability, all of which were well confirmed by the service rendered in the eight years of his incumbency during a time of great stress when precedents no longer could be quoted, important decisions having to be made without delay.

Officers of the Orphans' Court frequently expressed approval of the admirable manner in which papers presented to it from Mr. Lederer had been prepared.

Notwithstanding these many activities Mr. Lederer was a weekly contributor to the columns of *The Jewish Exponent,* an important journal having a wide influence not only in Philadelphia but throughout other sections of the country; his grasp of Jewish world movements, his knowledge of literary endeavors with fairness to men and to their activities gave to his contributions a high degree of authority. He had contributed throughout a series of years essays on Heine, Lessing and on religious liberty in the Middle Ages, these essays being frequently in the form of addresses to members of various organizations, religious and secular, who were privileged to be his auditors.

Mr. Lederer married Miss Grace Newhouse, a member of a family long identified with communal affairs, she herself having been the very able president for twenty-two years of the

Hebrew Sunday School Society, founded by the late Rebecca Gratz. He died September 11, 1925.

CHARLES J. COHEN.

DAVID LEVENTRITT.

For fifty-five years David Leventritt, at the bar and on the bench, was a faithful minister of justice. Born at Winsboro, S. C., January 31, 1845, he removed with his parents to New York City in 1854, and became closely identified with its active and bustling life down to the time of his death. There he received his education in its public schools, being graduated with honors in 1864 from the Free Academy, now the College of the City of New York, as the salutatorian of his class. Choosing the law as his profession, he pursued his studies in law offices and in the New York University Law School, where he was graduated in 1871, and shortly thereafter was admitted to the bar.

It at once became apparent that he was gifted with those unusual qualities which destined him to become a leader of the profession. He was thoroughly grounded in legal principles, was endowed with extraordinary industry and a clear and searching intellect, and was noted for the calmness of his judgment and the urbanity of his manners. In the trial of cases before courts and juries his quick mental processes and his knowledge of human nature, as well as his mastery of the facts, made him a powerful trial lawyer. His practice rapidly developed, and though he specialized in commercial litigation, he was an adept in many other branches of the profession. In November, 1898, he was elected to the Supreme Court, where he served until April, 1908, when he resigned in order to resume practice.

For more than half a century he was an active member, as his father had been, of Emanu-El Congregation of the City

of New York and for more than fifteen years one of its trustees and vice-president. He was also very much concerned in the subject of Jewish religious education and was instrumental in the establishment of several successful schools in the Borough of the Bronx, to which he gave careful supervision.

So universal was the respect paid to him that, after he had been on the bench for seven years, the very men who when he was a candidate for office opposed him and placed upon the records of the Association of the Bar of the City of New York a resolution declaring him unfit for the position, took it upon themselves to initiate a movement which resulted in expunging this adverse action from the records of the association and commending his judicial conduct in most laudatory terms. In lieu of the previous action a new resolution was adopted which declared:

> During the seven years of his judicial service his administration of office has given general satisfaction to the people and the Bar, and has been marked by ability, learning, diligence and a strong sense of justice.

On his retirement from the bench he became the senior partner of the firm of Leventritt, Cook & Nathan, and until he became somewhat enfeebled by age he participated in many important trials and arguments. The Appellate Division of the First Department appointed him the chairman of the committee on the character and fitness of applicants for admission to the bar. Until his death he devoted himself unremittingly to the performance of the important duties of this committee. As in the performance of his judicial functions, the discharge of these duties was a matter of conscience to him.

He died on January 9, 1926, within a few weeks of his eighty-first birthday. He had a fine and commanding presence and attracted attention in any assemblage in which he took part. He had the gift of oratory, enhanced by a melodious

and sympathetic voice. His interest in the community, in which he spent the greater part of his life and which he dearly loved, was unswerving. He participated in many important movements, was of a religious temperament, and was deeply concerned in the education of the young and in fostering that moral training which he looked upon as essential to true manhood and womanhood. With the gathering years the public which he so faithfully served rejoiced in exhibiting the esteem, honor, veneration and affection which were his due, and he in turn never ceased to manifest that sense of public obligation which actuated him throughout his life.

LOUIS MARSHALL.

JOSEPH C. LEVI.

Joseph C. Levi, a distinguished lawyer of New York City, was born in Cincinnati in 1839, of English parents, who had come to America in the early part of the nineteenth century. He studied law in the office of Joshua Van Cott and was admitted to the bar in New York in 1860. When the Civil War broke out, he at once enlisted in the Union Army and participated in the battle of Bull Run. Shortly after the close of the war, he married Miss Julia Di Emanuel, a member of a well-known Philadelphia family, and it was one of his proud recollections that on his wedding trip he and his bride called on President Lincoln who affectionately blessed both the bride and groom, in presence of a large assembly. Mr. Levi made a specialty of real estate law and was considered an expert in that branch, representing several well known estates. He was also a prominent member of the Masonic order in New York.

Mr. Levi was always genial and hospitable, and took a keen interest in matters relating to Jewish history. His wife, who died a few months before him, bequeathed to the Society

several interesting items, among them two beautiful paintings of Lyon J. Levy and his wife. Mr. Levi died of an accident in 1925, at the age of 86.

LEON HUHNER.

JULIUS LEVY.

Michael S. Levy and his wife settled in Baltimore, Md., in 1866. They had been married in Manchester, England, ten years before. In Baltimore they began their new life in a very simple manner and here they raised their large family. Their labors were rewarded with prosperity. They took an active part in communal life and were honored and beloved; their family life was adorned by the cardinal Jewish virtues. This heritage was transmitted as a beautiful family tradition to their children and grandchildren and is preserved in their lives as well as in memorial buildings and institutions.

Julius was their youngest son and it was this heritage that was the dominant influence of his life. He was born in Baltimore, February 2, 1868, had a common school education and at the early age of sixteen entered the business founded by his father. The enterprise was still small, but grew rapidly in the hands of father and sons, became one of the largest straw hat factories in this country and helped to make Baltimore the leading city in this field. Julius Levy contributed in great measure to this success by his energy, his good business sense and his personal attractiveness.

On June 4, 1903, he married Miss Etta Guggenheimer who became his worthy helpmate. At an early age he entered into communal activities. He served as officer in most of the Jewish benevolent organizations, was president of many, was specially interested in the Jewish educational institutions, was the founder of the Baltimore Jewish College, was a leading member of the Chizuk Amunah Congregation and, together

with other members of his family, erected the building of the Jewish Educational Alliance as a memorial to his father, and the Betzy Levy Home for orphans as a memorial to his mother.

But his interests were not limited to Jewish institutions. He served with equal devotion in all communal movements. His enthusiastic interest and his optimism stimulated others and led to success. He was specially active in the movement leading to the establishment of the Baltimore Museum of Art. Educational institutions enjoyed his greatest interest. This is well shown in the ten institutions to which he made generous bequests; of these seven were educational and included the Johns Hopkins University of Baltimore, the Hebrew University of Jerusalem, the Jewish Theological Seminary and the Isaac Elchanan Theological Seminary, of New York, and the Hebrew College, the Talmud Torah, and the Educational Alliance of Baltimore.

His strong Jewish attachment and sentiment were shown in many ways. He was indeed indifferent to nothing that was Jewish. His home was adorned by objects of Jewish art and ceremonial and his homelife was made beautiful by the Jewish spirit. He was devoted to his family, loved and ever remembered his parents with deep filial piety, had hosts of friends in all walks of life, and was beloved by all.

Julius Levy died November 22, 1926. His death was sincerely mourned and his loss is deeply felt, not only by the Jewish community, but by Jews and non-Jews who have an interest in the advancement of philanthropic, educational, and cultural activities and institutions.

HARRY FRIEDENWALD.

JULES E. MASTBAUM.

Jules E. Mastbaum, a member of the American Jewish Historical Society, was born at Philadelphia, Pa., July 7, 1872, and died there, December 7, 1926.

The unexampled evidences of grief at the time of his unexpected death and the enduring subconscious feeling of loss since then demonstrate the universal affection and admiration in which he was held.

A recital of his activities gives in some measure the reason for this sentiment. It shows that he was associated with every worthwhile effort that came to his attention. Whether the cause was charity in its narrow sense of aid to the poor and sick, or charity in its broad sense of aid to art, or education, or literature, or civic improvement, or sport, he was for it. Careful and accurate as were his judgments in business, his conduct in charitable matters indicated an actual fear of overlooking an opportunity to contribute effort and money, and it became almost impossible to keep him from contributing even to causes which were not entitled to ask his support. The variety of his activities is shown by the fact that there are or will be named for him in Philadelphia a loan society for the assistance of poor persons, a public school building, an art museum, a theatre, a boy scout troop and a lodge of a beneficial order. The various directorships which he filled and the other offices which he held are well known. It would not be too much to say that at the time of his death he would have been welcomed on any board of directors, philanthropic, commercial or social, in Philadelphia.

William Morris.

William Morris was born in Prussian Poland in 1855, one of several children. He received his early education in Poland. In 1872 he came to this country, arriving at New York, where he remained for five years. He then moved to Philadelphia, and established himself in the jewelry business, which he carried on with great success for many years. In the hope of lightening his business responsibilities, he retired from busi-

ness. But he was of a most active and energetic nature, and finding occupation necessary to his happiness, he interested himself in the Dr. Reed Cushion Shoe Company, of which he later became president. When the banking establishment, known at present as the Phoenix Trust Company, became insolvent, the stockholders urged Morris to take the vice-presidency of the reorganized company. This he did, and much of its success was due to his financial acumen, and to his untiring and conscientious efforts in its service.

These manifold business concerns did not prevent William Morris from taking an active part in all affairs of Jewish interest in the community of Philadelphia. For over thirty-five years he was an officer of the Congregation Mikve Israel. He was also treasurer of the board of trustees of Gratz College. In his early days he was active in Masonry. But later he gave all his time not required by business to communal work. He died in Philadelphia, October 19, 1924. He will be remembered, both by his own, and by succeeding generations, as a generous, self-sacrificing, devoted friend of every Jewish undertaking and institution. He gave his best years and his best efforts to the service of his people.

Leon H. Elmaleh.

Clarence Seixas Nathan.

Clarence Seixas Nathan was a direct descendant of Isaac Gomez, who left Madrid early in the seventeenth century, and whose son, Lewis Moses Gomez, was a prominent merchant in the early colonial days, having arrived in New York from England about 1696 with papers of denization from the Crown. He was also a direct descendant of Isaac Mendez Seixas, one of the signers of the Non-Importation Agreement of 1770, of Benjamin Mendez Seixas, an officer in the Revolutionary Army, and of Judah Nathan, an Englishman whose

son, Simon Nathan, was the first of the family to arrive in America; the last named who died in 1822 was one of the founders of Mikve Israel, the first synagogue in Philadelphia, and a trustee of the Congregation Shearith Israel in New York, of which his descendants are members to this day. Simon Nathan married Grace Seixas, whose brother, Gershom Mendez Seixas, was minister of Shearith Israel and of Mikve Israel, and a trustee of Columbia College.

Clarence S. Nathan was born April 25, 1856, in New York City, the eldest son of Gershom and Rosalie Gomez Nathan. His father was the grandson of Simon Nathan. In 1901 he married Esther Etten, daughter of Elvira, a sister of Gershom Nathan, and of David Hays Solis of Philadelphia, who survives him.

His mother was the great-great-great-granddaughter of Isaac Gomez; and it is of interest to note that property in New York City belonging to her mother, Hetty Hendricks, wife of Aaron Lopez Gomez, has remained intact without change of ownership except by descent since her death in 1865, and under the supervision of Clarence S. Nathan for more than twenty-five years.

His father died in 1864 and the burden and responsibilities of an oldest brother fell upon him. He had inherited a noble tradition of character, and his duties became labors of love in which he took pride and delight and which he performed with a kindliness and with a loving thoughtfulness to the end of his days. His was the modesty and the gentleness of a rare and lofty spirit which was gathered unto its Maker on May 10, 1924.

Clarence S. Nathan was forced to begin work early in life and in 1876, at the age of twenty, opened a printing office under his own name which in 1915, was incorporated under the name of Clarence S. Nathan, Inc., and which still continues in a large and modern plant. He was reputed a master-printer, keenly concerned with the fine detail of his work and

having a pride in the artistry of his craft. His zeal for preciseness was so deep that experts found the output of his plant a model. Early in its day he introduced the monotype, and his was one of the first three steam-power printing-plants in New York. He was imbued with love of country and during the Great War he participated in the work of the selective draft; when those in his employ were called to the colors he not only sent them off with the assurance that their places would be held, but he kept in constant touch with them strengthening their courage and hope by letters of good cheer and encouragement. The affection and esteem in which he was held by his employees is expressed in resolutions adopted upon his death which proclaimed that

> Clarence S. Nathan has always been a just and fair employer, so that each employee feels in his death a sense of personal loss.

Such action by employees is eloquent tribute to the character of one who lived his life and served his fellow-men faithfully, with self-sacrificing devotion, and with unswerving steadfastness, to the highest principles of mankind and the ideals of Judaism. Finer even than anything he did was the man himself. He has left behind him the priceless heritage of a good name; his memory will be cherished with reverence and affection.

Clarence S. Nathan was a charter member of this Society and always evinced interest in the history of the Jews in America. It was largely through his efforts that the three oldest cemeteries in New York City, which are owned by the Congregation Shearith Israel, were restored and put under proper care. He was also a member of the Congregation Shearith Israel, Sons of the American Revolution, vice-chairman of the educational committee of the Employing Printers' Association, and affiliated with numerous charitable, philanthropic and civic organizations.

Edgar J. Nathan, Jr.

Rebecca Rosenbach.

Rebecca Rosenbach, who died at Philadelphia, March 14, 1926, was the daughter of Morris and Isabella Polock Rosenbach, and was born at Philadelphia, August 3, 1866.

No mere catalogue of society memberships and public services can tell the story of her gracious life. Heredity and individuality combined to produce in her a rare personality. Descendant of a distinguished line of men and women who had found no division between culture and faith, she preserved and enlarged her spiritual patrimony. Her religion was real; its observances, not only a delight, but a source of strength. Through it she had attained serenity; and this quality characterized all her doings, moulded all her relations with her fellows. From her presence peace radiated; and whether in help spiritual, or in help material, her gift was enhanced by the way of giving. Her beneficent influence was not confined to those of her own creed. If to the Jew she was an inspiration to right conduct, to the Christian no less was she an esteemed exemplar of the Jewish life.

She was perhaps most deeply concerned for the religious education of the young. As teacher in the schools of the Hebrew Sunday-School Society, her simplicity and sincerity deeply impressed her pupils; and men and women who are now prominent in the service of the community attest the force of her teaching and example upon their lives. She followed her mother on the board of managers of the society, and was active as its secretary and as chairman of committees, particularly that of instruction and discipline. She was a representative of the society on the educational committee of the Federation of Jewish Charities. She took part in the earlier work of the society now termed the Neighborhood Centre, but then known as the Young Women's Union, and also in that of the Juvenile Aid Society.

The synagogue also received her loyal and steadfast support. She was a devoted member of the Congregation Mikve Israel,

and served the Mikve Israel Association as member and then as chairman of its literary committee, and later as its president. The Female Hebrew Benevolent Society which originated in this Congregation nearly a century ago (1828), and whose work is still conducted in the ancient Jewish spirit that respects personal privacies, made to her a peculiar appeal; for such was the manner in which she gave of herself or of her substance, freely, graciously, preciously; not as a stranger bestowing bounty, but as a sister sharing her possessions. She served the benevolent society for many years as a member of its board of managers and then as vice-president. Fittingly has the Hebrew Sunday School Society established as its Rebecca Rosenbach Memorial, a fund which may be used with like graciousness and lack of publicity "to carry out the altruistic aims of Rebecca Rosenbach."

Other public activities might be listed. She was always interested in the American Jewish Historical Society; she took part in the work of the Red Cross; she was a member of Hadassah and of the Council of Jewish Women; and as member of various organizations, and in many other ways, shared in the philanthropic and cultural movements of the Jewish and general communities; but she would have been the last to lay stress upon any of this. What she did for city or for religious community was done simply, and as a matter of course. Her activity knew only the limit of the utmost capacity of her strength. Her interests were in all things that justified interest. But it is as a friend who "entered in" to the life of old and young that she will be remembered.

To say that Rebecca Rosenbach will be missed and mourned by grateful souls, to say that those who were admitted to her intimacy loved her deeply, is trite and inadequate. The grief that her loss arouses, like the affection given her, is of a rare quality, the reflection of the sweetness and large charity of the soul that called it forth.

Emily Solis-Cohen.

Sol Rosenbloom.

Sol Rosenbloom was born November 21, 1866, in Grodno, Russian Poland. He was one of a family of nine children. At the age of fourteen he entered the famous *yeshiba* at Slabodka. He came to the United States at the age of eighteen where his brother, Meyer, had preceded him. From the day that Mr. Rosenbloom landed in America and opened his grocery-store through the time that he entered upon his later business career, he met with remarkable success. He was America's greatest distiller until the time of national prohibition when he turned to other interests.

In March, 1896, Sol Rosenbloom married Celie Newmark, daughter of Dr. Abraham Newmark, then rabbi of Orah Hayim Congregation in New York. By this union there were born to them three children, Charles, Arthur, and Estelle.

Sol Rosenbloom was endowed with a happy and rather rare combination of *Torah* and *derech eretz*. In his busiest years he permitted no day to pass without devoting at least an hour to study. Having had a good *yeshiba* training and having devoted some time to the study of Jewish philosophy, especially as expressed in the works of Maimonides, he was well prepared to read many of the important works in the general field of the science of Judaism.

He was for several years a trustee in the Tree of Life Congregation in Pittsburgh and for a time its president. During the last few years of his life, he became an international Jewish figure. Through the Hebrew Institute of Pittsburgh his name stood for progressive Jewish education throughout America. His love for Torah expressed itself in his benefactions and services as a member of the board of directors of the Jewish Theological Seminary of America. He also expressed his interest in the Rabbi Isaac Elchanan Seminary in New York. The Palestine movement and the Jewish Renaissance benefited from his liberal endowments and gifts.

Mr. Rosenbloom's last public appearance epitomized his life's work, the glorification of God's Torah. The evening before he passed away he attended a function of the Jewish Theological Seminary of America, as one of its directors. His last public act was that of sitting in a *yeshiba;* the next morning, November 16, 1925, he was called to the *Yeshiba on High.*

HERMAN HAILPERIN.

ISIDORE SPIELMANN.

Sir Isidore Spielmann, C. M. G., F. S. A., a past president of the Jewish Historical Society of England, and a corresponding member of the American Jewish Historical Society, was born July 21, 1854, and died May 9, 1925. He was knighted in 1905 and made a Commander of the Order of St. Michael and St. George in 1907.

An engineer by profession, after the age of forty-two he devoted himself to pictures and other works of art. He was recognised as a chief authority on the artistic side of international exhibits. His first achievement in this line was his suggestion of the holding of an Anglo-Jewish Historical Exhibition. The idea was very popular and he became the honorary secretary of the very successful exhibition held at the Royal Albert Hall, London, in 1887. As a result of this exhibition, the Jewish Historical Society of England was founded in 1893, of which he was president for the years 1902-1904.

He was honorary secretary or director of the Tudor, Stuart and Guelph Exhibitions, 1890-93, of the British section of the Brussels Exhibition, 1897, of the Exhibition of Fine Arts, Paris, 1900, of the Glasgow Exhibition, 1901, of the World Exposition, St. Louis, 1904, of the Franco-British and the New Zealand Exhibition, 1908, of the Turin Exhibition in 1910, of that at Rome, in 1911, that at Ghent in 1913, and that at London in 1914, and of the Exhibition of Spanish Art

in London in 1920. He refused a like position at the International Exhibition of St. Petersburg in 1902 because he resented the Russian persecution of the Jews. He was a prominent member of the Russo-Jewish Committee and edited *Darkest Russia* from 1890 to 1892.

Sir Isidore was a founder and joint honorary secretary of the National Art Collections Fund, a member of the advisory council of the Victoria and Albert Museum, governor of the British Institute of Industrial Art, and a member of the council of the British Empire.

In 1907 he served on the departmental committee which investigated the participation of Great Britain in international exhibits. He wrote finely illustrated volumes in connection with the various exhibitions in which he had taken part.

His son, Capt. Harold Spielmann of the 10th Manchester Regiment, was killed in action at Gallipoli in 1915, and this sore bereavement led to his writing violent polemics during the war and particularly "The Germans as others see them," "Germany's impending Doom" and "Open letters to Maximilian Harden."

In early years he had some inclination towards the reform movement and had been a member of the Jewish Religious Union but he always expressed himself to be on the side of conservative Judaism and was a thoroughgoing opponent of missionary efforts among the Jews, which he denounced in no uncertain terms. He was a prominent member of the New West End Synagogue, of which he had officiated as warden and took an affectionate pride in the artistic beauties of that structure. He also negotiated the establishment of the Mocatta Library at University College.

By marriage he was connected with several prominent Anglo-Jewish families. His wife was a daughter of Sir Joseph Sebag-Montefiore, his uncle was Sir Samuel Montagu, afterwards Lord Swaythling, and his daughters married Laurie Magnus, Claude Lousada and Lionel L. Cohen.

E. N. A.

Leo Stein.

Leo Stein was born in Newark, N. J., December 27, 1875. His elementary education was received in the public schools of that city. After graduating from the Newark High School, he entered Princeton University and was graduated *cum laude* in 1898. Subsequently he attended the New York Law School from which he was graduated *cum laude.* Then he entered upon the practice of the law in the city of Newark.

As a lawyer he attained distinction; he was president of the Lawyer's Club of Essex County.

Mr. Stein took a keen interest in communal affairs and was appointed to the Board of Education of Newark in January, 1916.

He took an active interest in the affairs of the Jewish community. He was for many years honorary secretary of the Oheb Shalom Congregation, of which his father, the late Albert Stein had been president, and was a member of its board of trustees until his death. He was particularly interested and active in the establishment of the Y. M. and Y. W. H. A. of Newark, and took an active part in the erection of its new building. He became its honorary secretary, and the chairman of its committee on education. In commemoration of his efforts in its behalf and of his high standing in the community, a special alcove in the library in its new building was dedicated to his memory and furnished with new books from a special fund collected for that purpose. He was a member of Ezekiel Lodge of the B'nai B'rith order, and of the Newark Lodge of Elks.

After a brief illness he died in Newark, November 29, 1924.

Charles I. Hoffman.

Eugene M. Stern.

The Jewish community of Philadelphia was shocked at the announcement of the sudden death of Eugene M. Stern, March 29, 1924.

He was born in Philadelphia, March 23, 1865, the son of Morris Stern and Matilda Bamberger. He was educated in the public schools and attended the Central High School where he was a member and, for a time, the president of the well known 79th class. After leaving school he engaged in the wholesale jewelry business, associated with his brothers, Sidney M. and Lafayette Stern. Another of his brothers is Judge Horace Stern, of the Court of Common Pleas of Philadelphia.

He was married, February 27, 1895, to Deborah Levy of Baltimore, who survives him with three children, Morton L., Elizabeth and James L. Stern.

Mr. Stern took an active and intelligent interest in Jewish communal activities, being a director in the National Farm School at Doylestown, Pennsylvania; the Hebrew Sunday-School Society, the Juvenile Aid Society, and was a generous contributor to the Federation. He was a cultured gentleman, well read and fond of the best literature. He inherited from his father the devotion to his faith and an intense conviction in the truth of its teachings.

Eugene M. Stern had a large and varied circle of friends and he was endeared to them for his many admirable traits of character, predominant in which were the sweetness and gentleness of his disposition. He was a member of the Disraeli Literary Association for more than forty years. The close friendships formed with its members during his boyhood days grew with increasing strength during his manhood years.

MAX HERZBERG.

ADOLPH DELISLE STRAUS.

Adolph Delisle Straus was born at Kircheim-Bolanden, Bavaria, in 1839. At the age of ten he left home and, serving as cabin boy on a sailing vessel, came to the United States,

where he was received by a friend in New Orleans. His education was attained at the public schools and at Spring Hill College in Alabama.

Mr. Straus was not inclined to a commercial career, and at the age of sixteen he began newspaper work. In this field he reached a high plane of success, reporting the Lincoln-Douglas debates and covering other events of importance until the outbreak of the Civil War. The call of battle was strong, and he became captain of the Third Battalion of the Louisiana Volunteer Regiment. Although severely wounded in the conflict, at its close he went to Nicaragua to become a general in the army of that nation.

However, Mr. Straus soon returned to newspaper work, and in 1867 went to Havana as representative for *The New York Times,* the *New Orleans Times-Picayune,* and the Associated Press. It was due to his acquaintance with Juarez that he was enabled to witness the entire drama of Maximilian, and he was the only newspaper reporter present at the execution of this ill-fated monarch. Writing the account of the tragedy to *The New York Times* under the pen-name *Quasimodo,* he gained wide renown as a war correspondent.

Mr. Straus retired from newspaper work in 1876 to found the exporting firm of A. D. Straus & Co., in New York City. Soon after he married Emily Saarbach. His wife and three daughters survive him.

Due to his thorough knowledge, not only of Spanish, but of the South American dialects, and his acquaintance with life and customs in that part of the world, he was amply fitted for the position of Consul General of Nicaragua in New York. He capably performed this duty, 1889-1912.

Besides his military honors, Mr. Straus was presented with two civil honors. He received a knighthood in the Royal American Order of Isabella the Catholic from Spain in recognition of his services during the Columbian Exposition of 1893. He was also awarded the gold medal of *histoire internationale* of Paris.

After a long and lingering illness Mr. Straus died April 30, 1925. He is most fondly remembered by all with whom he was associated.

Oscar S. Straus.

Oscar Solomon Straus, first President of the American Jewish Historical Society, was born in Ottenberg, Rhenish Bavaria, on December 23, 1850. He was educated at Columbia College and in the Law School of Columbia University, and for eight years practiced law successfully. His health not proving equal to the strain, he entered business as a member of the firm of L. Straus & Sons.

It was obvious, however, that his interests were literary and political. He aided in campaigns in New York, as well as in national politics, and in 1887 was appointed by President Grover Cleveland United States Minister to Turkey. He was appointed to this post a second time by President McKinley in 1898, and when the legation at Constantinople was raised to an embassy, he was appointed ambassador by President Taft in 1911. As a diplomatist dealing with difficult problems, he was eminently successful.

In 1906, he was appointed Secretary of Commerce and Labor in the Cabinet of Theodore Roosevelt and held this office until the close of the Roosevelt Administration in 1909. He supported Mr. Roosevelt in his candidacy for the Presidency of the United States in 1912 on the Progressive ticket and was himself nominated for Governor of New York by that party. While he failed of election, he had the highest vote of any person on the ticket.

President Roosevelt appointed him a member of the Permanent Court of International Arbitration at the Hague in 1902 and reappointed him in 1908. This appointment was renewed by Woodrow Wilson in 1912 and again in 1920.

Mr. Straus spent the latter part of 1918 and the spring months of 1919 in Paris as a representative of the League to Enforce Peace and was a great aid to President Wilson in having the Covenant of the League of Nations adopted as an integral part of the Treaty of Versailles.

Mr. Straus was not only deeply interested in American Jewish history, but in American history in general. His first published work was "The Origin of the Republican Form of Government in the United States of America," which grew out of a lecture delivered by him before the Young Men's Hebrew Association of New York in 1883-84, and in this book he traced the New England idea back to the Hebrew Commonwealth. The book has had four American editions and has been translated into French. He was passionately devoted to religious liberty and wrote the biography of Roger Williams, its pioneer. He also published a charming autobiography under the title "Under Four Administrations," and other works. His public and literary labors earned him collegiate distinctions. He received the degrees of doctor of letters from Brown University, and doctor of laws from Washington and Lee University, and from the University of Pennsylvania. He favored and greatly aided industrial peace.

In addition to being president of the American Jewish Historical Society, he was a member of the board of trustees and of the publication committee of the Jewish Publication Society of America, a member of the executive committee of the American Jewish Committee, a member of the board of the Hebrew Orphan Asylum of New York and a governor of the Dropsie College for Hebrew and Cognate Learning.

He was active in gathering funds to alleviate the suffering caused by disasters in Russia and was chairman of the committee which raised the fund at the time of Kishineff massacre, the first large fund gathered by American Jews for foreign relief.

He was a reader, a thinker, a fisherman, a genial companion, a man of broad vision and deep insight, essentially a mind that could grasp and aid serious national problems. He had the fullest public life ever accorded to an American Jew.

CYRUS ADLER.

SELIGMAN J. STRAUSS.

In the passing of Seligman Joseph Strauss, May 3, 1926, at Wilkes-Barre, Pennsylvania, the place where he was born, August 19, 1852, the community in which he lived, as well as the nation, lost a most public spirited citizen, who recognized his obligations and duty to his country and to humanity. He left surviving his wife, who was Miriam Weiss of Honesdale, Pa., a son, Frank, and two daughters, Mrs. Therese Gale and Emilie.

Abraham Strauss, the father of the deceased, was born in Bavaria, Germany, where he plied his trade of tailor. He emigrated to America, reaching New York City on September 1, 1846, after a voyage of seven weeks. After a month's stay in New York he settled in Wilkes-Barre, where after a few years he became a successful merchant, and later interested himself in the public schools. He was elected a member of the Wilkes-Barre School Board, a position which he held for a number of years. The mother of Seligman was Emilie Bodenheimer, daughter of the late Jacob Bodenheimer, a native of Baden, Germany. She settled in Wilkes-Barre in 1850 and was married to Abraham Strauss on July 28, 1851.

The deceased was educated in the public schools of Wilkes-Barre; at the academy of the late E. B. Harvey and at the College of the City of New York, where he was graduated with the Class of 1872, receiving the degrees of A. B. and B. S., and three years later the degree of A. M. After his graduation from college he read law in the office of the late Henry W. Palmer, and was admitted to the Luzerne County Bar on

September 6, 1875. He soon became one of the leaders of the bar and typified the best traditions of his profession. In 1910 he was elevated to the Luzerne County Bench, the climax of his public career, where he served the full term of ten years with honor and distinction. Upon his retirement from the bench he resumed his law practice.

His philanthropies were broad, as is evident from the fact that he was closely identified with the B'nai B'rith, for which the local lodge honored him a few months before his decease, by renaming itself the Seligman J. Strauss Lodge. He was one of the founders of the B'nai B'rith Orphanage at Erie, Pa., and was at all times a member of its board of directors. He was also president of the local Jewish Orphan Society; a member of the board of the Jewish Publication Society of America and a director of the Young Men's Hebrew Association.

No reference to Judge Strauss' career would be complete without mentioning his services to the community as a member of the school board and as district solicitor, a contribution that was recognized shortly before his death, when the central school was renamed Seligman J. Strauss Building in his honor. An editorial in one of the local papers truly said:

> Judge Strauss was one of those men who need no monument, no eulogy. If he had never practiced law nor contributed to the advancement of education, he would have stood out in another capacity that marked him even more than his achievements—the capacity of a gentleman.

SAMUEL GREENBAUM.

INDEX.

Aaronsohn, Aaron, vii, 197, 198, 200, 203, 209, 210.
Abbot, Dodge, 137.
Abbott, Justice, 125.
Abigail, Sarah, 273.
Abrahams, E. H., 6.
Abrahams, Israel, xxiii, 249.
Abrams, Moses, 151, 152, 160, 166, 170.
Achocado, Rodriguez Alvaro, 30.
Acton, Captain, 232.
Adler, Dr. Cyrus, viii, xxiii, xxix, 203, 226, 266, 297.
Adler, Elkan N., xvi, xviii, xxiii, 265.
Adler, Rabbi Nathan, 273.
Adrian V, 16.
Aguilar, Isabel del, 21, 22, 24, 25.
Alexander, xviii.
Alexander, David, 262.
Alonso, Hernando, 2, 3, 9, 10, 11, 12, 13, 14, 15, 19, 20, 21, 22, 23, 24, 25, 26.
Almagro, 4.
Altamir, Licentiate, 20.
Altschul, Frank, xvi, xx.
Alvarez, Jorge, 29.
Alvarez, Manuel, 31.
Alvarez, Pelayo, 31.
Ambler, S. M., 109.
Americana, xviii.
Andross, Governor, 93.
Asherson, 199, 200.
Auerbach, Ella Fleischman, xxx.

Baby, Mr., 186.
Bachrach, David, 220.
Bachrach, Elkanan R., 55.
Bachrach, Menahem, 55.
Bachrach, Phaibush Uri, 34.
Backer, 152.
Backer & Weiler, 146.
Baer, Dr. Fritz, 234.
Bahia, xxxi.
Baker, Greenbaum, 149.
Baltimore & Ohio R. R., xxxiv.
Bamberger, Louis, xxii, xxix, xxxiii.
Bamberger, Matilda, 293.
Banker, Christopher, 95, 96, 99, 100.
Barker, 111, 124, 133.
Barnardiston, 125.
Baroway, Aaron, xxxiii.
Baroway, Moses, xxiii.
Baroway, Solomon, 226.
Baylinson, A. S., 116.
Beatty, Admiral, 215.
Beaumont, Thomas, 122.
Becker, Abraham G., xxiii, 250.
Beer, George Louis, xxxi.
Beer, Mrs. Julius, xxxi.
Beeston, Sir William, 243.
Belisario, 121.
Bellamont, Governor, 229, 230.
Belmonte, 244.
Bendann, Grace, 225, 226, 227.
Benjamin, Judah P., xxxv.
Benjamin, Ruth L., xxiv, xxvii, xxix.
Bergman, Mrs., xxxiii.
Berkowitz, Henry, xvi, 252.
Bermas, Mr., 146.
Bermaldino de Albornoz, 24.
Bermegero, Garcia Gonzalez, 26.
Bernheim, Bernard, xxiii.
Best, C. J., 106.
Bettelheim, Aaron, 219.
Billstein, Nathan, xxxiv.
Bird, 106.
Blackstone, Sir William, 107, 124.
Blandford, B. W., 217.
Blankenhorn, 207.
Blau, Rev. Joel, 262.
Bloch, Dr. Joshua, xv, xvii, 266.
Bloomingdale, Charles, 146, 151.
Blum, Dr. Joseph, 226.
Bnai Jeshurun Congregation, xvi.
Boccacio, Augustin, 11, 21.
Bodenheim, Mr., 159.
Bodenheimer, Emilie, 297.
Bodenheimer, Jacob, 297.
Bogart, Elsie Schuyler, 241.
Bohun, 129.
Bolingbroke, Lord, 129.
Bomeisler, 159, 161.
Bomeisler, Edwin, 139, 153, 168.

Bomeisler, E. L., 149.
Bomeisler, M., 161.
Boncilla, 9, 11, 15.
Boncilla, Alonso Fernandez de, 12, 18, 19, 21, 22, 23, 24, 25.
Boppard, 34.
Bourne, 106, 110, 113.
Bowns & Brown, 164.
Bradlaugh, 113.
Brandeis, Louis D., 209, 210.
Brewer, Justice, 115.
Brickner, Mrs. Walter M., xxxiv, 5, 6, 7.
Brink, 124.
Brougham, Lord Chancellor, 126.
Broughton, 110.
Brown, Jacob, 152.
Brunner, Arnold W., xxiii, 253.
Brunner, Flora, 253.
Buckmaster, Lord, 106.
Bueno, Joseph, 81, 82, 83, 93, 94, 95, 99, 101, 102.
Bunn, Rosa, 241.
Burges, Major R. F., 212.
Burgoyne, 44.
Burke, Emily, 6.
Burke, J., 182.
Bush, 124.
Byron, Admiral, 61.

Calisch, Edward N., xvi.
Calvelt, Laurens, 90.
Campa, Emiliano, 213.
Campanero, Diego, 23.
Carigal, Rabbi, 242.
Carlisle, Earl of, 47, 60.
Carregal, David, 242.
Carregal, Hori, 242.
Carregal, Raphael Haim Isaac, 242.
Carroll, Charles, xxxiii.
Cartwright, Major, 114.
Carvajal, Lina, 4, 26, 27.
Celler, Emanuel, xvi.
Central Conference of American Rabbis, xxxiv.
Charles II, 121.
Charles V, 13.
Charlottesville, xxx.
Chinillo, Azarias, 235.
Chinillo, Noha, 235.
Churchill, E. F., 118.
Churchman, Robberts & Co., 137.
City of the Kings, 4.
Clara, Isabel, 30.
Clearwater, Alphonso T., xxiv.
Clinton, 44.
Cohen, Charles J., xxii, xxiii, xxiv, xxix, xxxi, xxxiii, 255, 278.
Cohen, Clothilde Florence, 255.
Cohen, Deborah, 225.
Cohen, Eleanor S., xxxiii.
Cohen, Harris J., xxiii.
Cohen, Henry, 255.
Cohen, Rabbi Henry, xvi, xxiv.
Cohen, I. I., xxxiii.
Cohen, Jacob, 181, 182, 183, 184, 186.
Cohen, Joseph, 255.
Cohen, Rev. J. Raphael, 181.
Cohen, Lionel, 291.
Cohen, of Maryland, xxxiii.
Cohen, William N., 257.
Cohen, Zipporah, 210.
Coke, Lord, 109, 110, 113.
Coleridge, Lord, 107, 113.
Collins, Mr., 186.
Condado de Niebla, 10, 21.
Conheim, Herman, xxix.
Conrad, General Gabe, '10.
Contreras, Pedro de, 19, 20, 21, 23.
Conway, G. R. G., vii, xxvii, xxix, 2, 3, 4, 9.
Cook, 204.
Cook, O. F., 210.
Cooper, Mrs. Morris, 208.
Corbett, John, 94, 95.
Cordoba, Friar Pedro de, 16.
Cortes, Hernando, 2, 3, 9, 11, 12, 13, 15, 17, 24.
Corwine Bros. & Co., 137.
Cott, Joshua Van, 280.
Cowan, 108.
Crafts, Wilbur F., 222.
Cromwell, 12.
Crothers, Governor, 221.
Cuello, Domingo, 28.
Cundall, Frank, xxiv, 247.

Dalsheimer, Simon, 226.
Daly, Charles P., 81, 94, 102.
Danon, Benjamin, 198.
Davidson, Gabriel, xvii, 197.
Davidson, Professor Israel, xv.
Davis, Richard, 97, 98.
Davis, Robert C., 211.
De Andrada, Dona Isabel, 27.

De Andrada, Dona Leonori, 27, 28.
D'Azevedo, Rabbi Moses Cohen, xxv.
De Belmonte, Manuel Francisco, 29.
De Caldas, Don Alonso Alverez, 31.
De Caltayd, Juan Sanchez, 235.
De Caravajal, Dona Ana, 30.
De Caravajal, Dona Francisco Nuez, 26.
De Carrion, Alvaro, 30.
De Cazeris, Leanor, 31.
De Costa, 109, 111, 113, 125.
De Fonsea, Pedro, 31.
De Fonseca, Tomas, 31.
De Fuenleal, Sebastian R., 23.
De Hart, Balthazar, 80.
De Hart, Daniel, 86.
De Hirsch, Baroness, 226.
De Kay, Jacob Teunis, 86.
De Key, Helena, 95.
De Key, Teunis, 94, 95.
De Keys, Jacob, 94, 95.
Del Campo, Rodrigo, 31.
Delgadillo, Diego, 11.
De Legazpi, Miguel Lopez, 25.
De Leon, Dona Catalina, 26, 27.
De Lucena, Abraham Haim, 84, 87.
De Lucena, Manuel, 28.
De Lucena, Rachel, 85, 86, 87.
De Mesquita, Benjamin Bueno, 102.
De Morales, Antonio, 28.
De Moralis, Blanca, 30.
De Moralis, Manuel, 27.
De Myer, Henry, 93.
De Myer, William, 93.
Demyre, William, 94, 100.
De Paz, xvi, xvii, xxiv, xxx, 109, 111, 113, 125.
De Peralta, Don Alfonso de, 26.
De Peza, Abraham, 242.
Depeza, Moses, 242.
De Silva, Juan Rodriguez, 29.
Deutsch, Gertrude, xxxii.
De Zuiros, Gutierre Bernardo, 26.
Diaz, Antonio de Cazeres, 27.
Diaz, General, 215.
Diaz, Jorge, 30.
Diaz, Juan, 23.
Diaz, Leanore, 28.
Diaz, Luis, 31.
Diaz, Manuel, 29.
Digges, W. H., 137.
Dispeck, David ben Joel, 268.
Domingo de Betanzas, 17, 19.
Dominican Iniquities, 15.
Don Carlos, 18.
Dongan, Governor, 91, 92.
Dreben, Mrs. Helen, 211.
Dreben, Samuel, xxiv, 211.
Dropsie College, xix, xxv.
Dunedin, Lord, 106.
Duschinsky, Dr. Charles, xvii.
Dushnes, Elsie, 259.
Dushnes, Gustav S., 259.

Eden, William, 60.
Eichberg, Babette, 193.
Einhorn, Dr. David, 269.
Eisner, Sigmund, xxiii.
Eldon, Lord Chancellor, 109, 121, 125.
Elfelt, Clare E., 273.
Elfelt, Edwin I., 154.
Elfelt, E. S., 157.
Elfelt, Gus, 152, 154.
Elfelt, Irene Dorothy, 273.
Elfelt, Paul L., 273.
Elfelt, Robert Lee, 273.
Elkan, 34.
Elkus, Abram I., xxii.
Elmaleh, Rev. L. H., xvi, xxiii, 284.
Elzas, Rabbi Barnett A., xvi, xvii.
Enriquez, Catalina, 28.
Enriquez, Clara, 31.
Enriquez, Diego, 28.
Enriquez, Pedro, 28.
Epean, Mr., 43, 58, 67, 75.
Epstein, Jacob, 221.
Erskine, 106.
Espinasa, 4.
Estrada, Alonso de, 15, 20.
Etten, Esther, 285.
Ettlinger, Rabbi Jacob, 268.

Fabius, 64.
Fairchild, David, 201, 204, 208, 210.
Fairis, Rev. John W., xxxiii.
Fay and Farwells, 137.
Feingold, Marcus, xxiii, 256.
Feldman, William M., xxxiv.
Fels, Samuel S., 203.
Fernandez, Ines, 30.
Ferro, Gonzalo, 30.
Fink, Mr., 146.
Finkelstein, Louis, xvii.
Finlay, Lord Chancellor, 106, 113.

Finlay, Mr., 186.
Fleischman, Mrs. Dora, xxxii.
Fleischman, Samuel, xvi, xxxii, 257.
Foch, Marshal, 215.
Foote, 113.
Fort, Hendricka, 241.
Fox, Charles Edwin, xvi, 253.
Franciscan Order, 16.
Frank, Abraham, 234.
Frank, Benjamin, 229, 230.
Frank, Mrs. Bertha Rayner, 226.
Frank, Henry L., xxiii.
Frank, Leo M., 223.
Frankel, Dr. Lee K., xiii, xx, xxvii.
Franklin, Mr., 72.
Franklin Photo-Engraving House, xx, xxii.
Franklyn, Dr., 63.
Franks, Colonel David S., xxiv, 230, 234, 235.
Franks, Henry Benjamin, 230, 231.
Franks, Colonel Isaac, xxxv, 7, 230.
Franks, Jacob, 100, 229.
Franks, John, 42.
Franks, Moses, 229.
Franks, Moses Benjamin, 230, 231.
Franks, Rebecca, 44.
Fraser, John, 182, 184.
Freedman, Isabella, xxix.
Freimann, Professor A., xvii.
Friedenberg, Albert M., vii, xiii, xvi, xvii, xix, xxiii, xxiv, xxvii, xxix, xxxiii, xxxiv, xxxvi, 187.
Friedenwald, Dr. Aaron, 226.
Friedenwald, Harry, xxix, 282.
Friedenwald, Dr. Herbert, xxiii.
Friedenwald, Moses, 225.
Friedlander, 146.
Friedman, Lee M., xxii, xxix, xxxii, 225.
Frisch, William, 226.
Fritz, R. S., & Brother, 137.
Frost and Converse, 137.
Fulda, M., 148, 159.

Gale, Mrs. Therese, 297.
Garay, Francisco de, 12.
Gascoyne, Bamber, 43, 58.
Geiger, Abraham, 268.
Gelber, Dr. N. M., xvii.
Gerard, Sieur, 70.
Gibbons, Cardinal James, vii, 219, 221.
Glassberg, Benjamin, xxiv.
Gleason, Russell and Company, 137.
Glyn, Lord Chief Justice, 116.
Goldman, Henry, 203.
Goldsmid, 125.
Goldstein, Israel, xvi.
Goldstine, Emanuel, 162.
Gomez, Aaron Lopez, 285.
Gomez, Cristobal, 30.
Gomez, Daniell, 97, 98, 100.
Gomez, David, 97, 98, 100.
Gomez, Esther, 260.
Gomez, Isaac, 100, 101, 284, 285.
Gomez, Isaac, Junior, 101.
Gomez, Lewis Moses, 98, 284.
Gomez, Luis, 97, 99, 102.
Gomez, Mordicay 37, 97, 98, 99, 100, 102.
Gomez, Moses, 37.
Gomez, Rachel, 37, 55.
Gonzalez, Alvaro, 30.
Gonzalez, Bartholme, 12, 24, 30.
Goodman, Abram V., xvii.
Goodman, Jacob, 225.
Goodwin, Dr. E. A., xvii.
Gottheil, Rev. Gustav, xxxiii.
Gottheil, Richard J. H., xv, xxiii, xxix, xxxiii.
Graham, Commander James D., 195.
Granados, Fabian, 29.
Grant, Mr., 186.
Grape, Jacob, 227.
Gratz, Charles, 174, 179.
Gratz, Hyman, 276.
Gratz, Michael, 241.
Gratz, Rebecca, 241, 278.
Greenbaum, 152.
Greenbaum, Henry, of Chicago, xxxiii.
Greenbaum, Honorable Samuel, xxiv, 257, 298.
Greenebaum, Moses, 150.
Greenhut, Joseph B., 203.
Grossman, Louis, xxix.
Grotius, Hugo, xxiv, 173, 175, 177, 179, 180.
Grunewald, Simon, 171.
Grunwald, xxxi.
Guerrero, Juan, 25.
Guggenheim, Daniel, 203.

Guggenheimer, Etta, 281.
Gumpertz, 125.
Gumprecht, Ephraim, 34, 55.
Guzman, Nuno, 11, 15.

Haidee, Charles S., 6.
Hailperin, Herman, xxix, 290.
Hale, Sir Matthew, 110.
Hallgarten, Charles, 189, 190, 191.
Hallgarten, Charles L., xxxii, 187.
Hallgarten, Elise Mainzer, 199.
Hallgarten, Robert, xxxii.
Halsbury, Lord, 263.
Hannibal, 64.
Hardwicke, Lord Chancellor, 109, 111, 125, 133.
Harris, Florence Nightingale Knight, xxiv, 258.
Harris, S. Marcus, 259.
Hart, Moses, 36, 41.
Hart, Zipporah, 55.
Hart's History of Jews in Canada, xxxiv.
Hawkins, Captain John, 10, 107.
Hay, Edward, 243.
Hays, Daniel, 257.
Hays, Moses Michael, 273.
Heilbrooner, 151, 154.
Heiter, Mr., 162.
Heiter, Simon, 152, 164.
Heller, Rabbi Max, xxxii.
Hendricks, Edgar, 261.
Hendricks, Harmon, 38, 260.
Hendricks, Henry S., xiii, xv, xix, xxii, xxiii, xxvii, xxix, 260, 261.
Hendricks, Hetty, 285.
Hendricks, Justina L., 260.
Hendricks, Lillian H., xxiv, 260.
Hendricks, Mrs. Louise S., xxxiii.
Hendricks, Uriah, 37, 260.
Henriques, Henry Straus Quizano, xxiii, 105, 117, 121, 123, 261.
Henry, Henry S., 260.
Henry, Lillian, 261.
Henry Solomon, 43, 58, 59, 75.
Henschel, Albert E., xxxiii.
Herculano's History of the Establishment of Inquisition in Portugal, xxxiv.
Hernandez, Miguel, 29.
Hernando, Alonso, xxix.
Hershell, Rabbi Solomon, xviii.
Hertz, Emanuel, xxviii, xxxvi.
Herzberg, Max, xvi, 293.
Herzl, Dr., 264.
Hillsborough, Earl of, 58.
Hirsch, Samson Raphael, 268, 269.
Hirsch, Samuel A., xvi, 263.
Hitchcock and Reading, 137.
Hochschild, Max, 226.
Hoffman, 101.
Hoffman, Charles I., xxix, 292.
Hoffman, Murray, 89.
Holbrook, 106.
Holland, Lord, 126, 131.
Hollander, Professor J. H., 124.
Howe, Sir William, 39, 57.
Huhner, Leon, xv, xvii, xix, xxiii, xxiv, xxix, xxxii, xxxiv, xxxv, 291.
Hyamson, A. M., 119.
Hyman, Samuel L., xxix.

Icazbalceta, 2.
Isaacs, Abraham, 100.
Isaacs, Abraham Samuel, 265.
Isaacs, Davy, of Charlottesville, xxx.
Isaacs, Frances, 260.
Isaacs, Judge Myer S., 266.
Israel, 125.
Menasseh ben Israel, xviii, 178.

Jablons, Ben, 210.
Jackson, Colonel Joseph, 6.
Jacobs, Aaron, 146.
Jacobs, Cornelys, 89.
Jacobs, Jonas, 140, 142, 148, 170.
Jacobs, Julius, 141.
Jacobs, Lazarus, 44.
Jacobs, Marcus, 140, 142.
Jacobs, S., xxxv.
Jacobs, S. R., 151.
Jacobson, J. Mark, xxviii, xxx.
James, 122.
Jaretzki, Alfred, xxiv, 268.
Jarvis, John Wesley, 7.
Jefferson, Thomas, 114.
Jessel, Sir George, 114.
Jessey, Henry, 117.
Jew Bill of 1753, xviii.
Jews in Amsterdam, xxxi.
Jews of Brazil and New Amsterdam, 4.
Jews in Holland, xxiv.
Jews in the Revolution, 4.
Jewish Theological Seminary, xvii.

Jewish Theological Seminary, Library of, xviii.
Johnstone, George, 47, 60.
Joneway, John, 83, 94, 95, 102.
Joneway, William, 91, 92, 99.
Jones, D., 60.
Jones, Lieutenant General, 58.
Jorge, Francisco, 29.
Judah, Abigail, 274.
Judah, George Fortunatus, 243.
Judah, Manuel, 274.
Judah, Samuel, 184, 185.
Judah, Uriah, 184, 185.

Kaiser, Rev. Alois, 226.
Karigal, Rabbi, xxxiii.
Katz, Albert, xxxiii.
Keane, 106, 113.
Kempe, John, 91, 93.
Kempe, John Tabor, 80, 81, 91, 94.
Kennedy and Foster, 137.
Kershner, Edward, 195.
Kert, James, 101.
Kidd, William, 229.
Klein, Rev. Mr., 223.
Kloecke, xxxv.
Knight, Emanuel, 258.
Knight, Jacob, 259.
Knight, Sarah Nicholl, 258.
Kohler, Edgar J., 271.
Kohler, Johanna Einhorn, 271.
Kohler, Kaufmann, xxiii, xxxii, 268.
Kohler, Lili, xvi, 271.
Kohler, Max J., vii, xv, xvi, xvii, xviii, xxiv, xxix, xxxii, xxxiv, 197, 258, 271.
Kohler, Moritz, 268.
Kohler, Rose, 271.
Kohns, Lazarus, 271.
Kohns, Lee, 271.
Kohut, Dr. George Alexander, xiii, xv, xx, xxvii, xxix.
Kraus, Marion L., 241.
Kuhn, Arthur K., vii, xxiv, 173.
Kursheedt, Gershon, 274.
Kursheedt, Israel Baer, 273, 274.
Kursheedt, Manual A., xvi, 273, 274.

Lachman, Samson, 203.
Laguna, Israel Lopez, xxiv.
Lamberts, Abraham, 90.
Langsretha, Mrs., 154.
Langston, 124.
La Payba, Beatriz E., 28.
Lasker, Edward, xxxiv.
Lasker, Miss, xxxiv.
Lauchheimer, Charles H., 193, 195.
Lauchheimer, Meyer Henry, 193.
Lazard, 160, 164.
Lazard and Goldman, 158.
Lea, Bunker and Company, 137.
Leber, Samuel, xxvii.
Lederer, Ephraim, xxiv, 275.
Ledesma, Bartalome, 21.
Lee, Nancy Curtis, xxxii.
Lee, General Robert E., xxxii.
Lee, Mr., 72.
Legazpi, Miguel Lopez de, 18, 25.
Lehman, M., 268.
Leo X, 16.
Leventritt, David, xxiv, 257, 278.
Levi, H. Abraham, 242.
Levi, Henry, 142.
Levi, Joseph C., xxiv, xxxi, 280.
Levi, Mrs. Di Julia, xxxi, xxxii, xxxiv.
Levin, Louis H., 226.
Levy, Abraham, 36.
Levy, Asser, 247.
Levy, Benjamin, 36, 41.
Levy, C., and Company, 164.
Levy, David, 36.
Levy, Deborah, 293.
Levy, Dinah, xxxii.
Levy, Hart (Herman), 36.
Levy, Judith, 36, 41.
Levy, Julius, xxix, 281.
Levy, Louis Sampter, xxxiv.
Levy, Lyon J., xxxi, 281.
Levy, Nathan, 100.
Levy, Michael S., 281.
Levy, Rev. S., xxxv.
Levy, Simon, 182.
Levy, Uriah Phillips, 193.
Lewis, Clarence, xxxv.
Lewisohn, Adolph, xxxii, 203.
Lieper, Tom, 144, 147, 151, 154, 162.
Lindo, 121, 124.
Lindo, Abraham Messiah Isaac, 242.
Lipper, Tom, 159.
Littauer, Louise, xxxii.
Littauer, Lucius N., xxxii.

Livingston, Robert, 229.
Lodge, Cornelius, 98.
Loeb, Mayer, 149.
Loeb, Morris, 203.
Lopez, Antonio, 28.
Lopez, Diego, 28.
Lopez, Martin, 3, 4, 12.
Lopez, Mathais, 242.
Lovelace, Governor, 88, 89, 90.
Lowenberg, Babette, 268.
Lowenberg, Bertha, 257.
Lucena, Abraham, 86.
Lucena, Jacob, 86.
Lucena, Moses, 86.
Lucena, Rebecca, 37.
Lyons Collection, xvii.
Lyons, Rev. Ellis, 84.
Lyons, Rev. J. J., xxxii, 80, 84.
Lyons, Miss Sarah, xvii, xxxii.

McCready, N. L., and Company, 137.
McDowles, Miss, 154.
McKarcher, Jacob, 147.
McKenzie, Robert, 59, 162.
McLennan, John, 98.
Machado, Antonia, 30.
Mack, Julian W., xxiii, xxix, 184, 203, 210.
Magnes, Judah L., 203.
Mainzer, Elise, 189.
Mansfield, Lord, 107, 110, 132.
Manso, Alonso, 16, 20.
Marcus, 151.
Marcus, Jonas, 147.
Margolis, Max L., xxiii.
Marquez, Antonio, 30.
Marshall, Louis, xxiv, xxxv, 203, 268, 280.
Martienzo, Ortiz de, 11.
Marx, Alexander, 243.
Massiah, Abraham, 243.
Mastbaum, Jules E., xxix, 282.
Matos, Francisco Rodriguez, 26, 27, 28.
Maya, Pedro de, 14.
Maya, de Contreras de Pedro, 18, 19.
Mayer, Alexander, 135, 137, 138, 141, 146, 148, 163, 164, 165, 171.
Mayer, H., 157, 159,, 166.
Mayer, Lazarus, 135, 151.
Meyer, L., 154, 157, 164, 166, 167, 168, 170.
Medina, J. T., 10, 17.
Mendelsohn, Morris J., xxx.
Mendez, Justa, 29.
Mendez, Pedro, 247.
Meritt, William, 80, 82, 83, 90, 91, 92, 93, 94, 95, 102.
Merret, John, 99.
Merrett, Margery, 80, 83.
Merritt, Maru, 83.
Mexican National Archives, 11.
Meyer, Edwin Sigmund, 147.
Meyer, Sigmund, 140.
Meyer, Sol, 154.
Milbourn, 108.
Millan, Fransisco, 10, 26.
Miller, 125.
Mol, Abram Lammerts, 90.
Monis, Judah, xviii, xxxiii.
Montagu, Sir Samuel, 291.
Montefiore, Claude G., xxiii.
Montefiore, Sir Moses, 274.
Montufar, Don Alonso de, 21.
Moore, George Foot, xxxv.
Moral, Andres, 10.
Morales, Bartolome de, 15.
Morales, Gonzalo de, 3, 10, 19, 20, 21, 22, 23, 25, 26.
Morland, Michael, 259.
Morris, Roland S., 277.
Morris, William, 283.
Moses, 55.
Moses, Mrs. Annie B., xxxiv.
Moses, Isaac, xxiv, 83.
Moss, Mary, xxxiv.
Moss, William, xxxiv.
Murray, Solicitor General, 133.

Narvaez, Panfilo de, 11, 12.
Nathan, Clarence S., xvi, 284, 285.
Nathan, Edgar J., jr., xvi, 286.
Nathan, Gershon, 285.
Nathan, Mrs. Grace, xxxii.
Nathan, Judah, 284.
Nathan, Rosalie, 285.
Nathan, Simon, xxxii, 285.
National City Bank, xiv, xv, xx, xxii, xxiii, xxviii.
National Committee for Relief of Jewish Sufferers from Russian Massacres, xxxii.
National Savings Bank of Albany, xv, xx, xxi, xxiii, xxviii.
Navarro, Manuel Gomez, 29.

Neander, xxxi.
Necarsulmer, Henry, xxxv.
Neuman, Dr. Abraham A., xvi.
Newhouse, Grace, 277.
Newhouse, Joseph, 170.
Newmark, Abraham, 289.
Newmark, Alie, 289.
Noche, Triste, 12.
North, Lord, 44.
Nuez, Andres, 30.
Nunez, Dona Mariana, 27, 29.
Nunez de Caravajol, Dona Fransisca, 27, 28.
Nusbaum, 149, 152.

Obragero, Julian Castellano, 27.
Ocana, Diego de, 10, 13, 24, 26.
Omichund, 111, 124, 133.
Oppenheim, Samuel, vii, xiii, xiv, xix, xxi, xxii, xxiii, xxiv, xxvii, xxix, xxxiv, 4, 77, 234, 241.
Oppenheimer, David, xvi, 226.
Ordaz, Diego de, 11.
Ordaz, Isabel de, 24.
Orozco, 213.
Osborne, 125.
Otterbourg, Marcus, xxiv.

Palmer, Henry W., 297.
Panuco, 12.
Parker, Lord, 106, 111, 113, 133.
Pasha, Djemal, 207.
Pauw, Reisner van, 175.
Payba, Simon, 31.
Paz, Rodrigo de, 14.
Peale, Charles Wilson, 7.
Pennsylvania Academy of Fine Arts, 7.
Perez, Dona Isabel, 28.
Perez de Gama, Juan, 21, 25.
Perry, 124.
Pershing, General, 213, 215.
Pforzheimer, Arthur, xvi, xx.
Pforzheimer, Carl H., xv, xx.
Phagan, Mary, 223.
Phaibush, 34, 55.
Phillips, Captain N. Taylor, xvi, xxiii, xxix, 82, 257.
Phillips, Naphtali, 80.
Phillipson, David, xv, xxiii, xxix, 271.
Phœbus, Uri, 36.
Pizarro, Francisco, 3.
Pollock, Sir Frederick, 179.
Polock, M., 159.
Ponce de Leon, 13.
Portuguese Jews in Amsterdam, xxxi.
Potsdamer and Rosenbaum, 158.
Powell, William, 182.
Price, Benjamin, 99, 100.

Raisin, Rabbi Jacob S., xxxiv.
Ramsay, 113.
Raymond, Lord, 121, 125.
Regalon, Diego Lopez, 30.
Regina, 113.
Reeks, xxxi.
Reizenstein, Miss, 226.
Remedios, Mendes de, xxxi.
Rheinstrom, 144, 147.
Richardson, Tracey, 213.
Rios, Pedro, 24.
Robbins, Mrs. W. K., xxxii.
Robinson, Leonard G., 210.
Robison, Rabbi Aaron G., xxix.
Robley, 124.
Rodney, 48.
Rodriguez, Andrew, 28.
Rodriguez, Antonio, 20.
Rodriguez, Domingo, 28.
Rodriguez, Francisco, 29, 30, 31.
Rodriguez, Jorge, 30.
Rodriguez, Juan, 30.
Rodriguez, Manuel, 29.
Rodriguez, Miguel, 21, 27, 28.
Rodriguez, Pedro, 29.
Rodriguez, Simon, 31.
Rollin & Bouret, 72.
Roosevelt, Theodore, 209, 295.
Rosa, J. S. da Silva, 173.
Rosenau, Milton J., vii, 203.
Rosenau, Rabbi William, 219, 222.
Rosenbach, Dr. A. S. W., vii, xiii, xiv, xv, xvi, xvii, xix, xx, xxiii, xxvii, xxix, xxx, 135.
Rosenbach, Isabella Polack, 287.
Rosenbach, Morris, 287.
Rosenbach, Rebecca, xxiv, 287.
Rosenbloom, Arthur, 289.
Rosenbloom, Charles, 289.
Rosenbloom, Estelle, 289.
Rosenbloom, Meyer, 289.
Rosenbloom, Sol, xxix, 289.
Rosendale, Helen C., Memorial Fund, xiv, xxi, xxii, xxiii, xxvili.

Rosenthal, 149, 152.
Rosenwald, Julius, 203, 205, 206.
Rosenwald, Lessing J., xxviii, xxix.
Roth, Dr. Cecil, vii, xix, xxiv, xxix.
Rothschild, Baron Edmond de, 198.
Rouville, 182.
Ruiz, Maldonado Anton, 22, 27.
Runyan, Damon, 215.
Ryder, Robert, 93.

Saarbach, Emily, 294.
Sack, Benjamin G., vii, xvii, xxxii, 234.
Salamons, 125.
Salazar, General Inez, 213.
Salomon, Haym, 231.
Salomon, William, 7.
Salzedo, Juan, 31.
Sampter, Jessie E., 197, 210.
Samuel, Frank, xxiv.
Samuel, Sir Herbert, 263.
Samuel, Matilda, 255.
Samuel, Wilfred S., 243.
Sandoval, Francisco-Tello de, 18.
Sandoval, Ganzalo de, 13.
San Juan de Puerto Rico, 20.
San Juan de Ulica, 10.
San Martin, Adolfo Bonilla y, xxiii.
Santangel, Luis de, 235.
Santo Domingo, 19.
Sanz, Manuel Serrano y, 235.
Sazedo, Pedro de, 25.
Schiff, Jacob H., 203, 116.
Schloss, Simon, 156, 159, 160.
Schnapper, Gottlieb Arndt, 190.
Schneiderman, Harry, xxv.
Schomberg, Solomon, 58.
Schuyler, Harmonus, 241.
Schuyler, Henrietta Ann, 241.
Schuyler, Dr. Nicholas, 241.
Schweinfurth, 199, 200.
Schwotz, Dr., 155.
Scott, Sir William, 121.
Sebag-Montefiore, Sir Joseph, 291.
Seixas, Asher, 274.
Seixas, Benjamin Mendez, 284.
Seixas, Gershom Mendes, 274, 285.
Seixas, Grace, 274, 285.
Seixas, Isaac Mendes, 284.
Seligman, Mrs. Eustace, 268.
Seligman, Isaac N., 203.
Shaftesbury, Lord, 129.
Sharff, Mr., 159.
Shearith Israel Congregation, xxx.
Sheftall, Mordecai, 5.
Sheftall, Sheftall, 5, 6, 7.
Shelbourne, Lord, 49, 58, 67.
Shire, Tillie, 267.
Siegel, Mrs. Hannah London, xxxiv, 7.
Silberna, Manuel Gimez, 31.
Simmons, 125.
Simon, Joseph, 241.
Simons, Abraham, xvii.
Slasson, William, 81.
Small & McGill, 137.
Smith, Ethan, xxxiv.
Smith, John, xxxiv.
Solis, David Hays, 285.
Solis Cohen, Emily, 288.
Solis Cohen, Dr. Solomon, xxxii.
Solomons, Israel, xviii.
Solomons, Lazar, 5.
Solomons, Levy, 182, 183, 184, 186.
Solomons, Perla Sheftall, 5.
Sommerfeld, Rose, 227.
Soria, Aaron, 258.
Soskin, Dr. S., 199, 203.
Spanish & Royal Institution papers, xiv.
Spatz, Bernard, 170.
Spatz & Newhouse, 152.
Spatz & Roggenburger, 143.
Spielmann, Captain Harold, 291.
Spielmann, Isidore, xxiii, 290.
Spinoza, 179.
Spivak, Dr. Charles D., xviii.
Starkie, Serjeant, 108, 125.
Steel, Chief Baron, 116.
Stein, Leon, xxix, 147, 292.
Stephen, J., 107.
Stern, Elizabeth, 293.
Stern, Eugene M., xvi, 292.
Stern, Judge Horace, 293.
Stern, James L., 293.
Stern, Lafayette, 293.
Stern, Morris, 293.
Stern, Morton L., 293.
Stern, Sidney M., 293.
Stiles, Ezra, 242.
Stille, Cornelius Jacobson, 102.
Stillers, Jacobs, 89.
Stratton, 124.
Straus, Abraham, 125, 297.
Straus, Adolph D., xxiv, 293.
Straus, Emilie, 297.

Straus, Frank, 297.
Straus, Hermine, 271.
Straus, Isidor, 203, 272.
Straus, Lazarus, 271.
Straus, Nathan, 151, 203, 205, 272.
Straus, Oscar S., xxiii, 1, 272, 295.
Straus, Roger W., xxix, 272.
Straus, Sara, 271.
Strauss, Lewis L., xvi, xx.
Strauss, Seligman J., xxiv, 297.
Strauss & Goldman, 158.
Strouse, Leopold, 154, 226.
Stuart, Gilbert, 7.
Stuyvesant, Peter, 88, 89, 91, 102.
Sullivan, Harry, 196.
Sully, Thomas, 7.
Sulzberger, Mayer, xiv.
Sumner, Lord, 106, 110, 111.
Swaythling, Lord, 291.
Swingle, Robert T., 204, 210.
Symmons, Jane, 265.
Symmons, Sam, 265.
Szold, Rabbi Benjamin, 225.
Szold, Henrietta, 203, 208, 210, 225, 226.

Tahl, Samuel, 226.
Talbot, Mr., 107.
Tassel, 124.
Tavares, Manuel, 31.
Taylor, 110.
Ten Broeck, Christina, 241.
Texcoro, 12.
Thwing, Rev. Walter E., xxx.
Tirado, Juan, 11.
Tobge, 147.
Tobias, Harriet, 260.
Tomson, Robert, 10, 21.
Tortosa, Cardinal, 16.
Touro, Abraham, xxxv.
Touro, Judah, 274.
Treidel, I., 199.
Tryon, Governor, 58, 59.

Ullmann, Salomon, 174.
Unsworth, 124.

Vaez, Jorge, 29.
Valdes, Diego, 24.
Valdiveso, Juan de, 13.
Valencia, Friar Martin de, 16, 17.
Valle, Marquis del, 24.
Van Cortlandt, Cathrine, 241.
Van Rensselaer, Gratz, 241.
Van Rensselaer, Philip, 241.
Van Sickles, James, 227.
Vasquea de Vergura, 21, 22, 23, 24.
Vendig, Sol, 150.
Vicente de Santa Mark, 17, 18, 19, 20, 21, 22, 25.
Victoria, 105.
Villa, Pancho, 213.
Von Boppard, Moses, 55.
Von Boppard, Simon, 55.
Vossius, Isaac, 178.

Wagg, Abraham, xxiv, 36, 37, 39, 40, 41, 42, 43, 45, 48, 50, 51, 52, 53, 54, 55, 57, 60, 67, 75.
Wagg, David, 42, 44, 55.
Wagg, Hart, 55.
Wagg, Herman, 55.
Wagg, Judith, 55.
Wagg, Margoles, 55.
Wagg, Matthais, 42, 55.
Wagg, Meier, 35, 36, 37, 55.
Wagg, Meyer, 55.
Wagg, Minky, 55.
Wagg, Mordecai, 42, 55.
Wagg, Moses, 34, 35.
Wagg, Rachel, 57.
Wagg, Ziporah, 55.
Wagge, Major M. G., 42.
Walker, J., 182, 184, 185, 229.
Walker, Norman, 214.
Walpole, Sir Robert, 37.
Walter, Moses R., 226.
Warburg, Felix M., xxiii, 255.
Warburg, Otto, 199, 203.
Warburg, Paul M., 203.
Warren, Captain, 232.
Washington, George, 235.
Watjen, xxxi.
Webb, P. Carteret, 121.
Webber, Aernout, 90.
Webber, Anneken, 89, 90.
Webber, Margery, 90.
Webber, Wolphert, 88, 89, 90, 91, 93, 95, 99, 102, 103.
Weinsberg, 34.
Weiss, Miriam, 297.
Wells, 121.
Westkett, John, 44.
Weylin, David, 227.
Whittaker, Samuel, 162.
Wide, Edward H., 226.

Wightman, Sir William, 108.
Wilkes, Chief Justice, 129, 130, 133.
Willes, Lord Chief Justice, 110.
Willey, Noy, 94, 95, 96, 97, 99, 100, 102.
William III, 121.
Wilmer & Cannell, 142.
Wilson, Woodrow, 295.
Wohl, Lutz, 117, 119, 121, 212.
Wolf, Lucien, 56.
Wise, Stephen S., xvii, 257.
Wolf, Morris, xvi, xxiii.
Wolf, Simon, xxxi, xxxv.
Wolf, Mrs. Simon, xxxi.
Wrenbury, Lord, 113.

Yellin, David, xvii.
Young Men's and Young Women's Hebrew Association, xxvii, xxx.

Zeitlin, Dr. Solomon, xxiii.
Zielonka, Rabbi Martin, vii, xxiv, 211.
Zumarraga, Bishop, 18.
Zumarraga, Juan, 15, 25.
Zum Kessel, Elkan, 55.
Zunsser, xxxiii.
Zuntz, Alexander, 83.
Zur Waage, Phaibush Uri, 55.

CONSTITUTION.

Name.

I. The name of this Society shall be the "American Jewish Historical Society."

Objects.

II. The objects shall be the collection, preservation, and publication of material having reference to the settlement and history of Jews on the American Continent, and the promotion of the study of Jewish history in general, preferably so far as the same is related to American Jewish history or connected with the causes of emigration from various parts of the world to this continent.

Members.

III. Any person approved by the Executive Council may become a member by paying five dollars; and after the first year may continue a member by paying an annual fee of five dollars.

On payment of one hundred dollars, any person may become a life member exempt from fees.

Any person approved by the Executive Council may become a patron of the Society by paying the sum of fifty dollars a year in fees; and transfers, on request, may be made from regular membership to the class of patrons. Patrons shall have all the rights and privileges of members.

Persons may be elected as honorary members and be exempt from the payment of fees; but no honorary member shall be elected except by the unanimous vote of the Executive Council.

Persons approved by the Executive Council may be elected as corresponding members, and be exempt from the payment of fees.

Any member who shall have neglected or omitted to pay his annual dues for three successive years shall, on notice to him from the Treasurer of that fact and of this provision, *ipso facto* cease to be a member of this Society unless within one month after said notice he pays all of his dues in arrears or shall be excused therefrom by the Executive Council of the Society, which is hereby authorized on proper grounds to remit said dues.

Officers.

IV. The officers shall be a President, four or more Vice-Presidents, a Corresponding Secretary, a Recording Secretary, a Treasurer, a Curator, and an Executive Council, consisting of the foregoing officers and of twelve other members elected by the Society, with the ex-presidents of the Society. These officers shall be elected by ballot at each regular annual meeting of the Society. The additional members of the Executive Council shall be elected as provided in and by Section 3 of Article II of the By-Laws of the Society.

Council.

V. The Executive Council shall have charge of the general interests of the Society, including the election of members, the calling of meetings, the selection of papers to be read, and the determination of what papers shall be published.

Amendments.

VI. This Constitution may be amended by a two-thirds vote at any annual meeting, notice of such amendment having been given at the previous annual meeting, or the proposed amendment having received the approval of the Executive Council.

BY-LAWS.

Article I.

MEMBERS.

Section 1. The dues of members of the Society, including those elected between the 1st day of October and the 1st day of April in a fiscal year, shall be payable annually on the 1st day of October for said fiscal year in advance. Those joining as members between the 1st day of April and the 1st day of October in a fiscal year shall at such time pay dues only for the current half-year, proportionately, and thereafter shall pay full yearly dues in advance on the 1st day of October in each year.

Section 2. The fiscal year shall extend and include from the 1st day of October to the 30th day of September next ensuing in each calendar year.

Section 3. The President and the Corresponding Secretary, whenever the Society or its Executive Council is not in session, shall have the power to act upon applications for membership in the Society.

Section 4. Members whose dues are more than one year in arrear on the 1st day of October, at the opening of a new fiscal year, shall not be entitled to receive such publications as the Society may thereafter issue until and unless such dues in arrears shall have been fully liquidated.

Article II.

OFFICERS, ETC.

Section 1. The term for which officers of the Society shall be chosen is one year and until their successors shall have been duly elected and qualified.

Section 2. Vacancies occurring in the term of any officer of the Society shall be filled by the vote of a majority of the members of the Executive Council, present at any meeting thereof, for the remainder of said term.

Section 3. The term for which additional members of the Executive Council of the Society shall be chosen is three years and until

their successors shall have been duly elected and qualified. At the twenty-fourth annual meeting of the Society twelve additional members of the Executive Council shall be chosen, of whom four shall hold office as such for one year, four for two years, and four for three years, in accordance with the action of the Society at such annual meeting. The successors of each of said additional members of the Executive Council shall thereafter hold office as hereinbefore first provided.

Section 4. Vacancies occurring in the term of any additional member of the Executive Council of the Society shall be filled, until the annual meeting of the Society thereafter, by the vote of a majority of the members of the Executive Council, present at any meeting thereof. At the annual meeting of the Society thereafter, such vacancies shall be filled by election by the Society for the remainder of said original term.

Section 5. Officers of the Society and additional members of the Executive Council, who have served as such for at least twenty-five consecutive years, may be chosen honorary members of the Executive Council of the Society by vote of the members thereof at any stated meeting of the Executive Council.

Article III.

DUTIES OF OFFICERS.

Section 1. The President shall preside at all meetings of the Society and the Executive Council, fix the time and place for holding the meetings of the latter, appoint members of all committees when not named in resolutions, fill vacancies therein, and add to the membership thereof when requested to do so by the chairmen thereof. He shall have a general supervision of the Society and be *ex officio* a member of all committees.

Section 2. In case of the death, resignation or inability of the President to perform his duties, his functions and powers shall devolve upon the Vice-Presidents in the order of seniority respectively. If the President and all the Vice-Presidents shall be absent from any meeting of the Society or its Executive Council, a chairman *pro tempore* shall be chosen for such meeting by the members present thereat.

Section 3. The Corresponding Secretary shall conduct the correspondence of the Society, under the direction of the President. He shall have charge of the Seal, Charter, Constitution, By-Laws

and records of the Society and certify or attest all instruments from the Society. He shall issue all notices of meetings, and notify all members of their election and of such other matters as may be directed by the Society, the Executive Council or the President. He shall receive, duly file and safely keep all papers, reports and documents, other than those appertaining to the Treasurer and the Curator, belonging to the Society, and at each meeting of the Society or the Executive Council report such letters and communications, as far as practicable, as he may have received since the time of his previous report. He shall distribute the minutes of meetings of the Executive Council among the members thereof within two weeks after each meeting has been held, and generally perform such other duties for the Society's business and development as may be necessary, proper and requisite.

Section 4. The Recording Secretary shall keep fair and accurate records of the minutes of each meeting of the Society and its Executive Council, and promptly transmit the same, after each has adjourned, to the Corresponding Secretary.

Section 5. The Treasurer shall receive, collect and hold subject to the order of the Executive Council all moneys, securities and other valuable papers of the Society, deposit all moneys in one or more banks or trust companies in the City of New York or elsewhere, approved by the Executive Council, pay all bills when the same are accompanied by vouchers drawn, signed and approved by the President and the Corresponding Secretary jointly, and render a financial report at each regular meeting of the Society and each meeting of the Executive Council. On the 1st day of April and the 1st day of October in each fiscal year he shall send bills for unpaid dues to the members of the Society, and shall notify the Corresponding Secretary of all changes and terminations in the membership of the Society. He shall notify the Corresponding Secretary on the 1st days of March and November in each fiscal year of all the members who on such dates shall be in arrears for dues, and the amounts of such arrearages.

Section 6. The Curator, under the direction of the Executive Council, shall have charge and superintendence of the library and collections of the Society, and the care and arrangement of the books, manuscripts and other articles belonging to the Society. He shall cause to be prepared and kept to date a proper catalogue and list of the same, and shall acknowledge the receipt of accessions donated to the Society. He shall expend in the purchase of

books and other articles, and for their safekeeping and preservation, such sums of money, with the approbation of the Executive Council or the President, as shall from time to time be appropriated for the purpose, and render proper vouchers therefor to the Executive Council. He shall make a full report, at each regular annual meeting of the Society, on the condition and progress of the library and the collections of the Society.

Article IV.

MEETINGS.

Section 1. There shall be held not less than two stated meetings of the Executive Council in each fiscal year. Written notice thereof shall be sent to each member of the Executive Council at least two weeks in advance thereof.

Section 2. Special meetings of the Executive Council shall be called upon the written request of at least five members thereof.

Section 3. Six members of the Executive Council shall be the requisite number for a quorum to transact business at any meeting thereof.

Section 4. Fifteen members of the Society shall be the requisite number for a quorum to transact business at any meeting thereof.

Section 5. Nothing herein contained shall operate to prevent the Society or its Executive Council from voting upon any proposition laid before either or both by mail.

Article V.

COMMITTEES.

Section 1. The following standing committees, namely: on publication, finance, and audit, shall be appointed by the President at the regular annual meeting of the Society, or within thirty days after the termination thereof, to hold office until their successors are appointed.

Section 2. The committee on publication shall consist of not less than three nor more than five members, who must be officers of the Society or additional members of its Executive Council. It shall have charge of preparing, editing and issuing the publications of the Society, and has the authority by delegation from the Executive Council to determine what papers shall be published.

Section 3. The committee on finance shall consist of at least three members, of whom the Treasurer shall be one, all of whom shall be members of the Executive Council. It shall have charge of the investments of the Society, with full power to make or alter any such in its discretion, and shall supervise and foster the permanent fund of the Society. Investments of the funds of the Society shall be limited to such as are lawful for savings banks and trustees in the State of New York, pursuant to the laws thereof made and provided from time to time.

Section 4. The committee on audit shall consist of two members. Its duty shall be to audit and examine the Treasurer's accounts and the vouchers thereunto appertaining and to report the result of its examination to the President or the Executive Council.

Section 5. A special committee on local arrangements shall be appointed to consist of not less than three nor more than five members of the Society, preferably residing in the locality at which each annual meeting of the Society takes place. Its duty shall be to care for and supervise all the details of the local arrangements for such annual meeting, including the edifice in which the same shall be held.

Section 6. A special committee on nominations shall be appointed to consist of not less than two nor more than five members of the Society, and no candidate for office shall be debarred therefrom by reason of his membership of this committee. Its duty shall be to report a list of nominees as officers and additional members of the Executive Council of the Society for election at the annual meetings of the Society.

Section 7. The right to make additional nominations from the floor at the annual meetings of the Society on the part of any duly-qualified member thereof is not abridged in any way by the provisions of Section 6 hereof.

Section 8. A special committee on programme shall be appointed to consist of three members, of whom the Corresponding Secretary shall be one. Its duty shall be to prepare and suitably print and distribute the programme of each annual meeting of the Society. It shall endeavor to secure appropriate publicity therefor, and shall have the right to determine the fitness and availability of papers to be submitted at such annual meetings, and the determination of the time to be allotted to each for presentation thereat.

Section 9. Special committees shall be appointed by the President pursuant to resolution of the Society or its Executive Council.

Article VI.

FUNDS.

Section 1. The permanent fund of the Society shall consist of the donations or bequests made to it, the payments received from members for life, and the interest and accumulations of the same. It shall not be drawn against except by and with the approval of the Executive Council by a formal vote to that end. The permanent fund shall be kept and used primarily to further research work in which the Society as such may be interested.

Section 2. The President shall have power at any time to authorize the payment of a sum or sums, not exceeding fifty dollars in the aggregate, in a single instance, out of the general fund of the Society, for the purpose of subventioning research work of any nature approved by him.

Section 3. The publication fund of the Society, as at present constituted, shall be employed so far as possible to defray the cost of the publications issued by the Society. Payments out of this fund shall be made by the Treasurer upon vouchers signed by the President and the Corresponding Secretary jointly.

Section 4. The general fund of the Society shall be employed to defray the current running expenses of the Society. Payments out of this fund shall be made by the Treasurer upon vouchers signed by the President and the Corresponding Secretary jointly.

Article VII.

SEAL.

Section 1. The seal of the Society shall consist of the following design: In the field a scroll on the face of which appear the words (in Hebrew), זכר ימות עולם, and on the circumference, American Jewish Historical Society.

Article VIII.

AMENDMENTS.

Section 1. These by-laws may be amended by a two-thirds vote of the members present at any annual meeting of the Society, notice of such amendment having been given in the printed programme of such meeting, or the proposed amendment having received the approval of the Executive Council.

Section 2. To entitle a proposed amendment to these by-laws to be included in the programme of an annual meeting of the Society, it must be formulated in writing, signed by not less than five members of the Society, communicated to the Corresponding Secretary not less than sixty days before the date of the annual meeting of the Society at which action thereon is contemplated, and notified to the members of the Society not less than ten days before the annual meeting thereof.

LIST OF MEMBERS.[1]

Honorary Member.

Hon. William Howard Taft, Chief Justice of the United States, Washington, D. C.

Corresponding Members.

Elkan N. Adler, 46 & 47 London Wall, E. C., London, England.

Prof. George Lincoln Burr, President White Library, Cornell University, Ithaca, N. Y.

William Vincent Byars, Temple Building, St. Louis, Mo.

G. R. G. Conway, Apartado 490, Mexico, D. F., Mexico.

Frank Cundall, F. S. A., Institute of Jamaica, Kingston, Jamaica, B. W. I.

Dr. A. Freimann, Stadtbibliothek, Frankfurt-am-Main, Germany.

Rev. Dr. Moses Gaster, Haham, 193 Maida Vale, W., London, England.

Rev. Prof. Dr. Sir Hermann Gollancz, 12 Clifton Gardens, Maida Hill, W., London, England.

Dr. Max Grunwald, II Ferdinandstrasse 23, Vienna, Austria.

J. M. Hillesum, care Rosenthal Library, University, Amsterdam, Holland.

Archer M. Huntington, 15 W. 81st Street, New York.

Albert M. Hyamson, P. O. Box 437, Jerusalem, Palestine.

Dr. J. Franklin Jameson, Library of Congress, Washington, D. C.

Grand Rabbin Israël Lévi, 54 Rue La Bruyère, Paris, France.

Prof. Raphaël Georges Levy, 3 Rue de Noisiel, 16e, Paris, France.

Rev. S. Levy, New Synagogue, Egerton Road, Stamford Hill, N., London, England.

Prof. John Bach McMaster, 2109 De Lancey Street, Philadelphia, Pa.

J. T. Medina, Santiago, Chile.

Claude G. Montefiore, 42 Portman Square, W. 1, London, England.

Prof. George Foot Moore, 3 Divinity Avenue, Cambridge, Mass.

J. S. da Silva Rosa, Port. Isr. Seminarium Ets Haim, J. D. Meijerplein 5, Amsterdam, Holland.

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[1] This list is corrected to December 20, 1928. Kindly notify the corresponding secretary of all errors and changes therein.

Dr. Cecil Roth, 22 Aberdare Gardens, N. W. 6, London, England.
Sigmund Seeligmann, Nic. Witsenstraat 7, Amsterdam, Holland.
Prof. Werner Sombart, Handelshochschule, Berlin-Charlottenburg, 5, Germany.
Rev. Dr. H. P. Stokes, St. Paul's Vicarage, Cambridge, England.
Lucien Wolf, 2 Verulam Buildings, Gray's Inn, W. C., London, England.

Patrons.

Louis Bamberger, Executive Offices, L. Bamberger & Co., Newark, N. J.
Lee M. Friedman, 30 State Street, Boston, Mass.
Dr. A. S. W. Rosenbach, 1320 Walnut Street, Philadelphia, Pa.
Hon. Simon W. Rosendale, 57 State Street, Albany, N. Y.
Benjamin Winter, 250 Park Avenue, New York.

Life Members.

James H. Hyde, 67 Bould. Lannes, 16e, Paris, France.
Louis Samter Levy, 120 Broadway, New York.
Newport Historical Society, Newport, R. I.
Hon. N. Taylor Phillips, 23 W. 73d Street, New York.

MEMBERS.

A.

David Aaron, The Mayflower, Central Park W. and 61st Street, New York.
Dr. Robert Abrahams, 277 West End Avenue, New York.
Dr. Cyrus Adler, 2041 N. Broad Street, Philadelphia, Pa.
Mrs. Cyrus Adler, 2041 N. Broad Street, Philadelphia, Pa.
Benjamin Alexander, 1530 Locust Street, Philadelphia, Pa.
Sidney K. Allman, Jenkintown, Pa.
Ben. Altheimer, care Ladenburg, Thalmann & Co., 25 Broad Street, New York.
Frank Altschul, 120 Broadway, New York.
Philip Werner Amram, 11 Lantern Lane, Philadelphia, Pa.
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Miss Corinne B. Arnold, Rittenhouse Plaza, Philadelphia, Pa.
Mrs. Joseph Mayor Asher, 1329 Lexington Avenue, New York.
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B.

Frank H. Bachman, 1512 Chestnut Street, Philadelphia, Pa.
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Henry J. Bernheim, 44 W. 77th Street, New York.
Isaac W. Bernheim, 825 York Street, Denver, Colo.
Dr. C. S. Bernheimer, 320 W. 89th Street, New York.

Hon. Nathan Bijur, 160 W. 75th Street, New York.
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C.

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Hon. Emanuel Celler, 51 Chambers Street, New York.
Dr. A. J. Cohen, 1630 Spruce Street, Philadelphia, Pa.
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Rev. Dr. Henry Cohen, 1920 Broadway, Galveston, Texas.
Joseph H. Cohen, 220 W. 93d Street, New York.
Lyon Cohen, care The Freedman Co., 37 Mayor Street, Montreal, Canada.
Moise K. Cohen, 6 W. 77th Street, New York.
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D.

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E.

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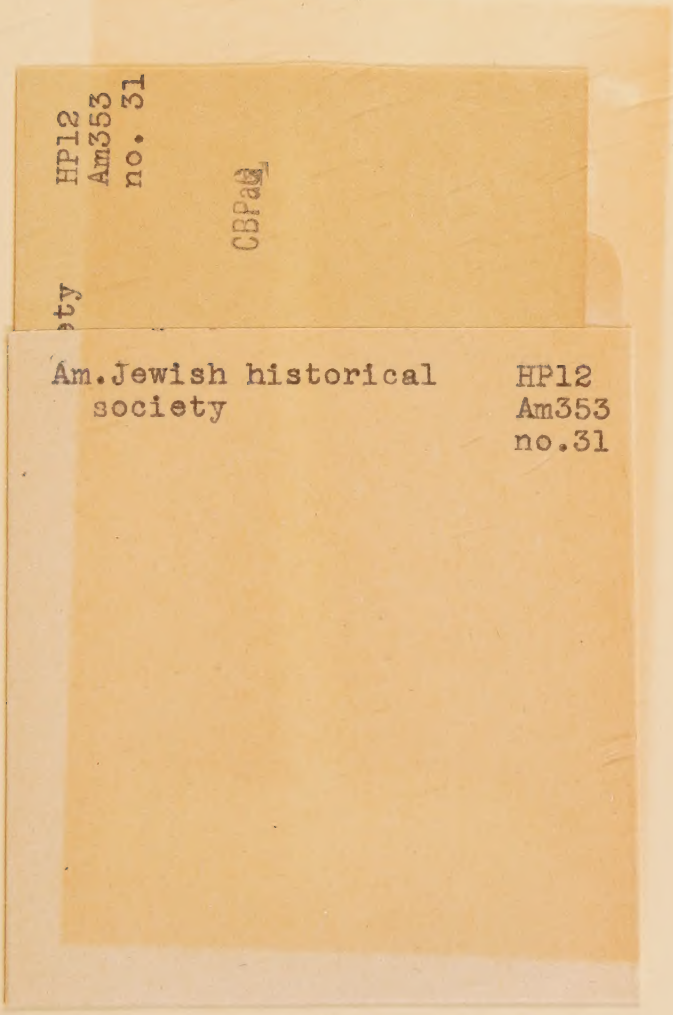

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